

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 14, 2010

Regular Meeting

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, 1 Market Square, Newington, Connecticut attorney, representing the applicant. Last week we had, two weeks ago we had the first part of the public hearing, and we kept it open because one of the members asked for some information, and I would request tonight, respectfully request that you not close the public hearing tonight. My client went on vacation after that hearing, I went on vacation, I haven't really been able to communicate with him, and I would like to be able to have the opportunity to get together with him and let him know what is going on, so if we could keep it open. In the mean time, I'm not sure if you have the minutes of the prior hearings. I do have the relevant sections, and just for the record, I'd like, I only made one copy, I'd like to put that into the record, if you would. In looking at the prior hearing, the Commission met in 2007 and the first meeting was May 23, 2007. They held a public hearing where they went through a whole different number of regulations to amend,

but the one that has the particular meaning here is Section 3.11 which was the special exception permitted in the B-Business Zone. They met on May 23rd, June 13th, June 27th, July 11, 2007 and July 25, 2007 was when they voted on the amendments. In looking at the minutes of the meeting, it seems to me that the sole focus of the change had to do with the business zone. The business zone, as Mr. Meehan pointed on May 23, 2007 and I'm quoting, also known as the neighborhood business zone. He said that there are small commercial areas that are located on sections of New Britain Avenue, Maple Hill Avenue, Hartford Avenue, Main Street and Stoddard, and I guess it was the sense of the Commission to try to eliminate the auto related uses in those zones. When you look at all of the minutes, the relative minutes, and the comments of the members of the Commission, the focus was on the business zone. In seeing that now, I can understand what the Commission was going for. When I drafted this amendment in order to restore the auto related uses, I basically followed the scheme of the zoning that was in place in 2007 and you can recall, the way zoning works in Newington, the basic uses are incorporated in the primary business zone, stated in the primary business zone, and then incorporated by reference in each successive zone. When I was representing the Firestone, end user, I sat down with Mr. Meehan and I, we discussed about how should I draft the amendment and I tried to draft it in a way to be consistent with the way the zoning regulations were put together. In doing so, I started with the business zone. Now, I do not have to end up with the business zone, I can simply say, if the Commission is concerned about the business zone and these small neighborhood auto related uses, I don't need to have that. The Special Exception can be in the Planned Development Zone alone, and not in the business zone. So, we can talk about that, but the primary purpose is to relate to those buildings, and in the meeting, I testified at the meeting and a couple of other attorneys testified, and one of the points that I made at the meeting is that when you eliminate a zone, you in effect create a non-conforming use, so you have a building then that exists and is used in this case for auto related uses, happens to be in the business zone, now you eliminate that use, you make that building non-conforming and non-conforming has a very important legal significance in zoning. It means that in the future, if that person, that person is limited as to what can be done with that building. He can't expand on it, he can't really improve on it, if there is a fire that destroys it, the building is gone, he can't really build it, so there are a lot of consequences, and Mr. Meehan himself recognized that in the meeting of May 23rd, and June 13, 2007 when he talked about the non-conforming uses. He actually prepared a staff report that talked about it, and talked about the effect of the non-conforming uses, and that the time also, June 13th, Attorney Knapp, who represented one of the, gas station on Willard Avenue, spoke about the effect of the non-conforming use. In my opinion, when you have a non-conforming use, it can lead to a blighted type of condition, because the owner knows that he can't expand, it's like that little grocery store that is on Main Street, just north of the, where Starbucks is, the meat market, they are a non-conforming use. He's really stuck there, can't really do anything to his building, can't expand on it, can't really improve it because it is a non-conforming use. So, in effect, you say, okay, I'm going to eliminate this use so I'm going to eliminate all of these corner gas stations but the corner gas stations exist. You can't get rid of the buildings, they exist. So now you say, they are non-conforming, now you can't really control, so I don't think that was the intent. What I'm trying to do here is try to get the amendment back into the regulations in a way that my end user, Firestone, a big company can have the opportunity to get a development going on the Berlin Turnpike in the site that I indicated, so I'm happy to answer any questions that the Commission might have, or have any dialogue or discussions.

Chairman Pruet: Thank you. Staff comments, Ed?

Ed Meehan: No, I think you should keep the hearing open so the Commission members can digest Attorney Sabatini's presentation. I do have copies of the minutes, I don't have full sets, but I will make them available. The public hearing for these changes, not just the auto

related, but many other changes that the Commission worked on back in 2007 spanned, I think four meetings, and they were voted on in July, but I would make all of that available to the Commission members. There wasn't a lot of discussion and dialogue about auto related uses, there were other changes that the Commission was making at the time that took up a lot of conversation, but if you want to delve into that, that certainly should be available before you make your decision. The only thing I would add, I do believe the Commission members knew what they were doing when they took auto related uses out of the business zone, the local business zone, they are very familiar with how our regulations are structured. It would then pyramid, or cascade into the next couple districts, business districts in the regulations, so I don't think they were just, at the time, deciding to limit it to just the local business zones. The corollary to that is, the direction which the Plan of Conservation and Development advises, both in '95 and the most recent adopted Plan, about the discouragement of auto related uses on the Berlin Turnpike, and that has been something that the Commission has looked at probably for the last twenty years, to change the appearance, the business variety on the Berlin Turnpike, so I think from my perspective, when the Commission members were acting on this, they weren't just looking at the two or three local business zones, they were looking at the Plan of Conservation and Development and long range ideas, but I think the hearing, as requested, should be left open. We have time, we have thirty-five days to keep this hearing open and that would take you out to at least your first meeting in August, and before we do close this hearing, we should put into the record the inter-town reports from our two regional planning agencies, so we need to keep that in mind before we close the hearing.

Chairman Pruett: Okay, thank you. Commissioner comments?

Commissioner Schatz: I read the minutes of the last meeting and so on, and this is really the Krispy Kreme location, right?

Attorney Sabatini: That's right, it's now Citigroup building, but there's a piece of land that became available from the State of Connecticut just north, it abuts the Citigroup parcel just north of that parcel, it's about an acre of land, a little less than an acre of land became available, and the owners of the parcel where Citibank is now, purchased, Wex-Tuck, they purchased that parcel, so they, and they are the applicant here, so that is where the site is.

Commissioner Schatz: This doesn't affect the pad that was approved on the Krispy Kreme property?

Ed Meehan: No, it affects every piece of commercial property.....

Commissioner Schatz: No, no, I know that the zone change does, but if the zone change was done, let's just put it that way, does the pad that is sitting there, being approved, on the Krispy Kreme property have a play in this?

Ed Meehan: Well no, I suppose they could come in and ask for an amendment and change the pad to an auto related use, but I encourage you, not to focus on a site specific area.

Commissioner Schatz: No, I was just concerned about the pad.

Ed Meehan: Okay, because the petition is much more generic.

Attorney Sabatini: It would be followed up, if this is successful with a special exception and a site plan application just for that particular site.

Commissioner Pane: Thank you Mr. Chairman. I think it's good that we keep this public hearing open, there was no sign out there, so I would ask the applicant to put a sign up.

Ed Meehan: There will be no sign on this particular piece of property for this, because again, it's for a zone.....

Commissioner Pane: No public hearing notice?

Ed Meehan: We're not amending a zoning regulation for a specific piece of property, it's for a change in the regulations that affects the whole geography.

Commissioner Pane: Oh, okay. I do have a question for the Town Planner, Mr. Chairman, the attorney talked about leaving Section 6.11 in the regulations. Was that done by the prior commission so that an existing auto related use could expand, or modify their existing shop in the future, or, as the attorney is saying, are they non-conforming and they can not do anything.

Ed Meehan: That's a good question. That was left in the regulations because that contains the standards that a rebuild of an existing gas station, if it was destroyed, they had the right to rebuild. Those are the standards, the separation from residential area, the separation from the street and so forth, existing auto related uses, particularly gas stations more so than general repair uses would have to meet. Also, auto related uses are still permitted by special exception in the Industrial zone. So we need those guidelines for those uses also.

Commissioner Pane: Okay. Let's say there is an auto related use in a PD Zone that is existing and they wanted to expand from a two bay to a three bay. Is that totally prohibited, or, as a non-conforming use, or is it something that 6.11 would take care of.

Ed Meehan: We would have to look at the specifics of that application. They could be permitted to increase their business, maybe within the building footprint without expanding the building to grow their business, and there are court cases and situations where that is permitted, so you would have to look at the particular aspect of that one.

Attorney Sabatini: Mr. Chairman, can I answer that, because you have a section in your regulations that also talks about non-conforming uses. 15.1.5 Mr. Pane, that talks about alternations to a structure that has been damaged by fire, and I brought this to the attention of the town in May of 2007 when I was here. Section 5.1, it says 15 in the minutes, but I think that was a mistake, it's Section 5.1. That talks about non-conforming uses and that is a specific legal, upheld by courts all over the place as to what you can do to a non-conforming use, and with all due respect to the Town Planner, I think that if a Town Fair Tire or a Turnpike motors would have a real difficult problem coming to the Commission saying we want to add onto our business now, because that use is banned, or if they had a fire there, and the building was destroyed, more than fifty percent, in effect, you can make an argument that they are not allowed to have that business and I think those are the ramifications that I'm not sure that the Commission, in all of its wisdom, in 2007 really understood, because it does make Town Fair Tire, Monroe Muffler, Goodyear, Turnpike Motors all non-conforming uses right now, non-conforming use and again, these are good businesses in town, and they pay a lot of taxes, etc., so those are the consequences when you eliminate, you in effect say, this is prohibited, you can't have it any more and your regulations right now say you can't have it. That Section 5.1 does talk about the consequences of being able to rebuild, etc., so.....

Chairman Pruet: Any further Commissioner comments? Okay, this is a public hearing. Anyone wishing to speak in favor of this petition? Anyone wishing to speak against this petition?

John Wilson, 288 Foxboro Drive: Commissioners, I have written a letter in opposition to this petition which I will file with you and read it into the record at this time. I oppose Petition 13-10 filed by Wex-Tuck Realty LLC to amend a zoning regulation to permit auto related uses. Newington is currently served by numerous auto related business, the town also contains several parcels that are in need of redevelopment and have already been approved for auto related uses. I know that the petition is general, but Attorney Sabatini is presenting a specific plan for the future, so I should speak to that as well. Wex-Tuck has filed a petition as it's first step in seeking to build a Firestone Tire Store and garage adjacent to the Krispy Kreme site on the Berlin Turnpike. I oppose the construction of the business in that location for several reasons. The parcel is not big enough for the proposed use, it's too close to the homes on Hopkins Drive and will decrease residential property values there. That portion of the Berlin Turnpike is one of the few that is still green. It would be senseless to decrease the amount of open space in town when other sites that need redevelopment are available and adequate for a tire store and garage. Finally, the Department of Transportation headquarters already generates too much traffic on that portion of the Berlin Turnpike and the proposed business would exacerbate the traffic problem, so I urge you to deny the petition. Thank you.

Chairman Pruet: Thank you. You have an opportunity for rebuttal if you would like to do that at this time.

Attorney Sabatini: I don't have a rebuttal as such, but I do have a question of the Planner if I can, through you, Mr. Chairman. Mr. Meehan, do you have an opinion as to whether or not the petition that is before the Commission could be amended during the public hearing?

Ed Meehan: I think I expressed my opinion at the last public hearing, I don't believe that you can make substantive changes to this petition as it is advertised and called.

Attorney Sabatini: Even to eliminate a section?

Ed Meehan: I think that would be a substantive change.

Attorney Sabatini: So in your opinion, then if that change were to be made, it would require a re-noticing.

Ed Meehan: I believe so, to be fair to the public, changing in the middle of the public hearing.

Attorney Sabatini: Okay. Thank you.

Chairman Pruet: Further input from the public on this petition? Okay, we are going to keep this petition open, we have further information to review. Thank you.

B. PETITION 18-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for re-subdivision PD Zone District.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut, my office is located at 170 Pane Road in Newington and my residence is at 170 Barn Hill Lane

in Newington. I am the applicant in this re-subdivision application that is before you. This is a, although this is a re-subdivision, it is by statute that it is a re-subdivision. This is the Shriners piece of property which is about eleven acres, their temple, located at 3066 Berlin Turnpike and then what was the driving range on Deming Street, was all one parcel. It is our intention to divide this in two pieces. It is a re-subdivision because it was divided more than once since the subdivision regulations came to be in the Town of Newington, the last division was the Scottish Rite foundation about fifteen or twenty years ago when this building was built, they separated that parcel out. We are proposing to buy the northerly 7.9 acres of land from Deming Street, westerly to what is the Grantmoor Motel property, leaving the remaining portion of the land at 3.28 acres. I'm going to state for the record that the two lots will meet and or exceed all of the requirements of the PD Zone. In creating the lot line, we took the most restrictive side yard for various uses in the PD Zone, for the existing buildings on the property, so that any use that may happen on this property in the future, the side yards would be covered. If they use the Industrial use, it might be a ten foot side yard, if it was a residential use, it would be twenty five foot, so we took the largest side yard, so that anything that might happen in the future would be covered, and the purpose of this subdivision will be revealed in the next application. I think that is it basically, I don't want to overburden, it's factual, it's something that is required by law, but it does meet and/or exceed all of your criteria of your zoning regulations, and if you have any questions, I'd be happy to answer them.

Chairman Pruet: Thank you. Town Planner comments?

Ed Meehan: Just briefly, I would concur with Mr. Bongiovanni, the created lot, parcel A, A-2 complies with the PD Zone District standards, and the resulting lots that A-2 comes from are conforming as far as their frontage and area, so all three are parcels are sort of the genesis of this that meet your requirements for the PD Zone.

Chairman Pruet: Very good, thank you. Commissioner comments?

Commissioner Aieta: I have a question. They are relocating an eighteen inch storm water sewer pipe on the property, are you going to eliminate, can you eliminate the right of way on that piece of property, because the right of way goes under, goes across several pieces of property, that would be the homeowners property.

Alan Bongiovanni: We, this drainage system that goes through the property is an existing right of way. It was created for two purposes. It was created to drain the parking lot for the Scottish Rite, and then the town had requested that they connect some drainage into the system, so it came in two parts. We would continue that drainage system under the next application we are going to look to relocate it, take it out of what we call the buildable area of the site, along with just relocating it we are going to improve the flow characteristics of that pipe, so that the town will benefit from the relocation.

Commissioner Aieta: I understand that, but the point I'm trying to make is can you eliminate the right of way on the land records so that the people that are buying the houses won't have a right of way through the middle of their property.

Ed Meehan: You can extinguish the easement and then.....

Alan Bongiovanni: Yes.

Commissioner Aieta: Then I suggest that you try to do that.

Alan Bongiovanni: I think that is detailed in a note on the full set of plans.

Chairman Pruet: Additional Commissioner comments? This is a public hearing. Anyone from the public wishing to come forward to speak in favor of this Petition?

Francis Callahan, 105 Cedarwood Lane: I would just like to speak in favor of this, I think it would be good for the area, good for the town. I would like to speak in favor, thank you.

Chairman Pruet: Thank you. Anybody else from the public wishing to come forward to speak in favor?

Peter Gallo, 145 Barn Hill Lane: I can think of a lot of worse things that can be over there, and I'm pretty comfortable with the condos being built there. I know Al, and it's his backyard and I, even if it wasn't his backyard, I know he would do quality work there and I'm very, very comfortable with that, so I wanted to speak in favor.

Chairman Pruet: Thank you. Anybody else from the public wishing to speak on this petition, for? Anybody from the public wishing to speak against this petition?

Bill Lacoda, 8 Barn Hill Lane, Newington: I can't really say I'm against it, because I don't really know enough about it, and I echo the comments that probably just about anything is better than what is there right now, I mean, you've got some real overgrown stuff, you've got an eyesore and a half in that netting that just won't be taken down. I think probably some of my concern is that 8 Barn Hill, just for perspective, is right on the corner there, of Deming. We moved in last year, we see a lot of traffic going by, so I think some of our main concerns are on the volume of traffic that sixty units, that kind of puzzles me, that space there, how sixty units could go, but I'm not familiar with condo spacing or anything. The number of cars going by there, you now have an additional street coming out of there, and I know there were some traffic surveys going on, I don't know if that was done by the town or by the state, but there's some speed issues that go on, on that road as well. I don't know if you are looking at a potential for increased accidents, again, I'm not saying that I'm against this, but really curious questions, and I'm hoping that all of this is being explored as this gets approved or modified, or rejected, but I do agree that something should be done over there, it really could look a lot better than it does, and there's only limited space to develop in this town now, so I hope it is done smartly and conscientiously going forward.

Chairman Pruet: Thank you for your comments. Anybody else wishing to speak? Okay.

Alan Bongiovanni: Not really to rebut Mr. Lacoda, but to explain the process, this petition that we have here, through the Chairman, is just to divide the property, whether it is developed as a condominium project or not. The next application that we will present will provide, I hope all of the details that will satisfy him.

Bill Lacoda: I'm new to all of this, so I appreciate that.

Commissioner Lenares: In reference to this Petition 18-10, we've heard from some of the neighbors, either for or general questions concerning potential use of the property, is it necessary to keep this open?

Chairman Pruet: We can discuss that right now. I'd like the input from the Commission and your pleasure on this petition, keep it open, or closed?

Commissioner Aieta: The re-subdivision has no consequence on the next petition and the petition under New Business which is the Site Plan, so it could be subdivided and we will still have the opportunity to look at the special exception and the site plan, so the re-subdivision is something that can be done without consequence to the other petitions.

Commissioner Pane: I have a question for the Town Planner. Is it appropriate to talk about some of the traffic concerns now or under the Site Plan.

Ed Meehan: I would recommend that you talk about it under your special exception petition, because that is one of the criteria for special exceptions.

Commissioner Pane: Thank you.

Chairman Pruett: Consensus of the Commission to close this? Okay, we will close Petition 18-10.

C. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District.

Alan Bongiovanni: Again, thank you Mr. Chairman, Commission, Staff, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut. My office is at 170 Pane Road and my residence is at 170 Barn Hill Lane in the immediate neighborhood of the petition that I am applying to you for. This property we are proposing, we are asking for your permission to allow the residential use which is a component of the Planned Development Zone. The property is in the Planned Development Zone, and before I get too detailed, I'm going to introduce a couple of people with me tonight, they are part of my team, I am the applicant and I'm co-developing this with Chris Nelson, a principle of Landworks Development out of Farmington, he and his partner, Ron Genesco are people I have worked with for a long time, and he will have a few minutes to talk about who they are and what they do. I have Michael Ziska, with Murtha Cullina, he is our land use attorney, Scott Hesketh with F. A. Hesketh and Associates who is our traffic engineer, he's going to present the traffic report and study that they did for the area in conjunction with this development, Guy Hesketh, our grant engineer, with F.A. Hesketh and Associates and Stephanie White, our landscape architect with Garrear Hicks and Associates. They won't all make a presentation at this part of the hearing process but if you have questions, these professionals are available at that time. I do have some handouts that I hope will assist the Commission in their deliberations here. A couple things for the record, I have a letter dated May 5, 2010 from the Metropolitan District Commission from Jennifer Alvagone, Manager of Development Services, stating that sewer and water service is available to this development, as well as a letter dated July 13, 2010 from Christopher Chully, principle with Deming Street Associates, the property to the north, stating that we have an agreement to provide, he has an agreement with me to provide relocation of easements on the property. So there are three copies for the record. I also have ten copies for staff of an outline of what we are proposing to do. I'll circulate those, and I have some for the public if they would like to see what we are doing as well. I think we are all familiar with the location of this property. It's proposed to be 7.9 acres approximately, on the west side of Deming Street. At the northeast corner of the site is Barn Hill Lane, to the north end of the site is the Deming Street Associates project, a sixteen unit active adult that was approved a couple of times over the last couple of years by this Commission and the Wetlands Commission, to the west there is a large expanse of wetland that is the Libretta property that buffers this property from the Berlin Turnpike; the southwest corner, the Grantmoor Motor Lodge, and to the south the remaining portion of the Sphinx

Shriner property. The property is elevated on the south where the driving range and the tees were, it slopes downward at about twelve to thirteen percent grade and then flattens out and drains to the north and a little bit to the west and all of the surface runoff goes into the water course which is unnamed.

Our proposal, or the reason why I first got involved in this, there was an active, very active deal to try and put in this area, taking all of the Shriners property, the Grantmoor property and of course the Libretta property and put in a Home Depot. Because of the economy, the Home Depot pulled back on their development plans, but it got me a little bit upset as to what the potential was for this property. This allows for commercial, office, residential, business use. Four different categories, and there are a lot of uses as of right that can happen here, without any public input that they are guaranteed by law. An applicant could be allowed to do certain things, for instance, a contractor's construction yard could go in there. The town would have some say in the site plan process, but ultimately they could put heavy equipment there and really do what they would want to do on the property. So, a good reason why I got involved in the project was to protect my own interest, protect my neighbor's interests, do something that I can be proud of, and I think that is what we have here before you.

I'm going to introduce you to Chris now, let him tell you a little bit about himself, after that I want Scott to talk about the traffic, and then I'm going to go over Section 3.19 criteria for a special permit in a PD Zone and Section 5.2 for the general conditions permit process for a special permit. Before I have Chris come up here, a brief overview. I'm going to try not to merge too many site plan issues here and if I overstep my bounds, please correct me.

We are proposing to do sixty units of housing, condominium style development under the common interest ownership act. We would have a single point of access at the center of the property, or approximately the center of the property. You are going to hear from Scott where this is appropriate from a traffic perspective, has the maximum sight distance, appropriate sight distance. You come into the property, you have a circular driveway system that services the property, we've taken great care to build to the contour of the property, we're shelving out some of the hill, taking some of the material from the high side, or the south side, raising up the center of the property so that the appearance from the road looks good, works well with the grading, provides some walk-outs to the property, and I think that is basically it. We'll get into more detail in this presentation, but I wanted to give you a general idea and will have Chris talk about Landworks Development and what they are about, and then we will get back into more of the detail.

Chris Nelson: I am a builder and developer and I live at 40 Centerbrook Drive, Farmington, Connecticut. My office is at 340 Main Street, Farmington, Connecticut. Alan had asked me to come and give you a little background about who we are, and why we are here. Actually Nelson Construction is the building company, we have been building our development projects for the last seventeen years. We also have a development company called Landworks Development. My partner on the development side is Ron Genesco. Ron actually used to live in town here, and he served on this very Commission back in the early or mid-nineties I do believe. If I could pass around, just to give you a little bit of background about us. We're excited to be here. Since Ron actually was here, we've been looking for a project, the right kind of community, residential community, that's what we do, in Newington and when Alan presented this to us, we kind of said, Alan, you're doing our job, but we have come to a wonderful agreement that I think is going to work out very, very nicely. We are interested in doing exceptionally well planned, well built communities, and that, this what we do. If I could just ask you to turn to the back, oh, one more thing, just as a matter of fact, I'm the immediate past president for two weeks now, with the current president of the Homebuilders Association of Hartford County, very active on the state and national level. In the building business, through the Homebuilders Association we have gotten involved with the Department of Energy, and we're actually a company that is working as a partner with the

Department of Energy on a national level on a program called Building America. Building America is program designed to help move forward the energy efficiency components of new residential construction. Their actual mission is to move the bar from where it is today in the building code, to actual zero net energy, meaning a house generates as much energy as it uses. That sounds pretty utopian but believe it or not, we are making a huge amount of progress.

If you look at the back of this little brochure, this is just an assortment of some pieces that we pulled together. There's a list of different projects that we have been involved in. I thought that would be kind of helpful just so you know who we are. If you start at the bottom, that's kind of old, since 1995, but the Community of the Year was in Farmington, Connecticut, that's a Connecticut-wide award from the Homebuilders Association for Cornerstone which was part affordable, forty-six affordable units as well as, mixed with single family small lot detached, so that was a residential community. Actually I lived within the 140 unit community that was there. As time went on, there was another, the next one up was Summerfield in Simsbury, that's an active adult before active adult actually became popular, but we understand, active adult by design, not necessarily by restriction. That was a great community up in Simsbury. That was a re-program of a FDIC foreclosed property. The next, Summersfield, this is actually a fifty lot luxury high end community in Farmington, those are 4500 foot houses, so we are working on a bunch on different levels I guess is my only point. More recently are two that I just wanted to touch on, one is called Bradford Walk, and this little brochure here is about Bradford Walk. Bradford Walk is 158 units total, it's a condominium. If you look in the center section, you will actually see a site plan of that, it's actually more dense than this proposed project, and it spans two towns, it is partially in Farmington, partially in New Britain. We're taking some of the lessons that we have learned as far as market demand, the materials that we like to use, and bringing that forward, I think your Planner and Engineer have stopped out to that project to take a look at it. It's a beautiful project, it's won the a multi-family community of the year award from the State, and it has also, believe it or not received a beautification award from the Town of Farmington Garden Club because it is so nicely maintained, but that is a project that we can draw some direct correlations from so if you have questions about that, I'd be happy to answer them. One of the other projects is Hamilton Way. Hamilton Way is a ten lot single family subdivision, but the reason that I bring it to your attention, is that it is part of the building program where we just received a national award, the first one in Connecticut, for energy valued housing. Those homes use anywhere from twenty-nine percent to forty-eight percent of the energy of a normal house, built to code, that is that size. So what we have done is we've cut out, from a normal building code house, used to be energy star was a big deal, and that was a fifteen percent reduction in energy usage, now it's gone all the way down to where participating in Building America, we have to strive to achieve a fifty percent reduction in energy usage and they are very interested and moving more toward multi-family and condominium type projects as well as apartment buildings. In this case, this was directly appropriate, we worked with one of the five consultants in the country who helped kind of pushed the limits, not in a radical way, but to build better. If you look at one of the brochures here, it says, building better. It's energy efficiency, helping (inaudible) and sustain quality, so that is kind of what we are about. It's why we want to be here, knowing our market place in Farmington, we studied the market place in Newington, we have a real estate company as well, and so we studied what is really needed, and what works and we think the project, because it is all two family units, we have all end units, mostly two car garages with interior designs that make a lot of sense for what people want today, works really, really well. Just a little information, there is one little thing there, see this little thing, and then I'll stop because I tend to ramble about energy efficiency but within five years new construction and possibly remodeling is going to start to receive a sticker like this, just like a refrigerator or a car gets miles per gallon sticker, and this is an energy scale that the Department of Energy is putting out on many of the houses now and is just starting to get to this area. One hundred and fifty is a rating that might be an old, very

leaky house, zero is a house that makes as much energy as it uses, might be geothermal, might be solar, solar hot water and we're working in that thirty to fifty range. Fifty is pretty achievable, you try to get it down into the twenties or thirties, you're starting to work with solar (inaudible) things like that, so that is kind of who we are, that's what we are about, we're excited about the project, we'll talk a little more about the architecture and some of the other ideas and answer your questions later.

Alan Bongiovanni: Thanks Chris. Now I'd like to touch on a couple of the zoning issues, without getting too much into the site plan. At 7.885 acres the zoning regulations of the residential component in the PD Zone, talk about, you can do a density of one unit per 4500 square feet. That would put 76 units on this piece of property. There are some exclusions, slopes in excess of fifteen percent, flood plain or wetlands, those aren't present on this property, so the entire site is usable. That is something that we started working with, that density, as Chris, myself, Ron really looked at what the market is, would want to purchase and the energy efficiency component, we pared it down to sixty units. This is not asking for more than you already allow in this zone, this is something that we feel would compliment the neighborhood, be something that not only myself, but I think the Town would be proud of, and it's something that society is moving towards. The typical theory, or way of life, we can buy more energy, we can use more energy, is going away, we see that every day, it's in the headlines every day. We pay more for energy, it's not unlimited, so that's one of the reasons that we are doing that. Having said that, I'm going to introduce Scott as an integral proponent of this special permit to talk about safety and traffic.

Scott Hesketh: Good evening, for the record, Scott Hesketh, licensed engineer in the State of Connecticut from the firm of F.A. Hesketh Associates in East Granby Connecticut, the author of the traffic impact report dated April 18, 2010 which has been submitted to this board with this application.

If you had an opportunity to read through the report, you will see that we have touched on a lot of stuff that you may not see in a traffic report. The site that is proposed for development is currently served by the State Traffic Commission as Certificate #1701 and as far as the State Traffic Commission is concerned, this property is part of the Laz-E-Boy, Grantmoor, Sphinx property in terms of certification, so we did touch on some of the traffic on the Berlin Turnpike, some of the usages out there and the like, but this particular development, the access is going to be to and from Deming Street and all of the traffic to and from the site will be out onto Deming Street and none of the traffic will be mixed with the remainder of the site, so although the traffic report does touch on some of that, you might have been confused as to why that was so, but this traffic report was submitted to the town and to the State Traffic Commission as well for certification, or will be shortly, after review so that we can modify the STC Certificate.

The site as proposed is located on Deming Street. Deming Street is a town maintained roadway, provides approximately twenty-eight feet of pavement. There is a single traffic light in each direction, it's a stripped double center line, and the roadway is posted at 30 miles per hour. In the course of preparing our study, our office installed an automated traffic counter on Deming Street in the approximate proposed location of the site driveway to measure the traffic volumes on that roadway on a daily and hourly basis. Our counters were there for a full week period, the average daily traffic volume on Deming Street was measured to be 5,735 vehicles. The morning peak hour volume was measured at 370 vehicles, the afternoon peak hour was measured at 641 vehicles. In addition to the automated count, manual turning movement counts were conducted by a representative of our office at the intersection of Deming Street and Griswoldville Avenue, a signalized intersection which is located just to the north and that is the nearest state intersection. All those counts were conducted during March of 2010. In order to estimate the traffic volumes associated with the proposed development, we reviewed the Institute of Transportation Engineers trip generation report

and based on the proposed sixty units of residential development here we estimate that the development will generate a total of 670 trips on a daily basis, half of those entering and half of those exiting the site. Peak hour volumes on the site driveway would be 53 vehicles in the morning peak hour, 13 entering and 40 exiting movements, and 68 vehicles during the afternoon peak hour, made up of 43 entering and 25 exiting movements, so we are looking at approximately one new vehicle trip per minute during peak hours for this particular development. In addition to that, the site is currently unused, it is a driving range. A driving range theoretically could open up tomorrow. A driving range has a trip generation associated with it as well, so we are not increasing the traffic volumes by 670 trips on a daily basis, there's approximately 233 trips on a daily basis associated with a driving range so we will be offsetting that, so our impact is less than what I have just stated.

We distributed site generated traffic to the road network, and the distribution of seventy percent of the traffic oriented to and from the north on Deming Street, thirty percent oriented to and from the south on Deming Street. We then conducted capacity analysis calculations at the site driveway and at the intersection of Deming Street and Griswoldville Avenue, to determine the levels of service and the operational effectiveness of those intersections. The analysis indicates that all of the movements at the intersection of Griswoldville Avenue and Deming Street operate at a level of B during the background traffic conditions and will continue to operate at a level of service B under the combined traffic volume conditions with this development in place. Now we looked at the intersection of Deming Street and the Sphinx driveway, although we didn't do a count at that location because the uses there are sporadic at best, we did estimate the traffic volumes for that particular use, assigned that traffic to the site driveway, and conducted an analysis, all of the movement at that location operate at a level of service B or better for both background and combined conditions with this development in place. The intersection of the proposed site driveway and Deming Street, all movements at that location will operate at a level of service C or better and the one movement that operates at a level of service C is the site driveway approach during the p.m. peak hour which has an average delay of 15.3 second. If it was 14.9 seconds, I would be reporting to you that it was a level of service B. So we are just on the threshold of a level of service B, C only for the driveway approach. Traffic moving up and down Deming Street would operate at a level of service A with minimal delays of traffic.

Now the traffic volume count conducted on Deming Street not only measured the volume of traffic, we also looked at the speeds of traffic on the roadway. As indicated, Deming Street is posted to 30 miles per hour, through discussions with town staff, there were some concerns about the speed of traffic, accident rates and things like that, so we decided to take a look at that, and we also needed to know that information in order to ensure that we were providing the appropriate sight distances at the site driveways. Based on the counts which we conducted, the 85th percentile speed on that section of roadway are 39 miles per hour in the northbound direction, and 37 miles per hour in the southbound direction. The roadway is posted at 30 miles per hour so the 85th percentile speeds which is the speed where only fifteen percent of the cars are traveling faster, so 85 percent of all vehicles travel at that speed or slower during all hours of the day. Those are the standard engineering numbers that we use. Based on those sight distances, based on those speeds of traffic, we would need a sight distance of approximately 427 feet or so. The proposed driveway location has a sight distance in excess of 475 feet in each direction, so the driveway is properly located with respect to sight distances along the roadway, and based on the levels of service it is properly designed in order to accommodate the volumes of traffic anticipated for this development. We also reviewed the on-site circulation. Again, the site is proposed to be serviced by a single driveway, a twenty-four foot wide driveway will provide a single twelve foot lane for both entering and exiting traffic. It's our opinion that that is appropriate for the volumes of traffic that is anticipated at this development. I understand there have been some modifications to the radii to allow for the use of the facility by the largest fire truck that the town operates. Mr. Bongiovanni is putting on the board a turning template, movement

diagram of the town fire trucks through the development and demonstrated that the fire truck can navigate the site at the proposed roadway widths. So based on the existing traffic volume in the area, let me just talk about accidents. That was brought up at our talk with staff. We contacted the Department of Transportation, they didn't have any accidents on the roadway. We did contact the Newington Police Department. We obtained the last three years of accident data, from January 2007 through March 2010. We asked the police department to give us the accident data on Deming Street, from Griswoldville Avenue all the way down to Route 15. In that last three years of data, they reported a total of 33 accidents occurred on Deming Street. Sixteen of those accidents occurred in the vicinity of the Lowe's-Wal-Mart driveway, a four lane section of road, there's lots of turning movements in and out of those driveways, it's not unexpected that that would be the largest number of accidents. There were two accidents which were reported at Culver Street and Candlewyck Drive, three accidents were reported in the vicinity of Barn Hill Lane, one accident was reported at Wynding Brook Lane, and three accidents were reported at Griswoldville Avenue. One accident is too many, but these are not a lot of accidents for the volume of traffic along this roadway. There's not much we can do here to address these types of accidents. There was no accident pattern which existed, which leads us to believe that we can do something in this section of roadway to reduce the accident pattern and again, although one accident is too many, these low volumes of, low numbers of accidents is not of significant concern. It was reported to us that there was a fatality on Deming Street, people seemed to remember a fatality on Deming Street. It did not occur during that three year period. We went back to the Police Department and asked them whether, were there any fatalities that occurred on Deming Street in the last ten years? They did provide to us an accident report for one accident located at the intersection of Deming Street and Griswoldville Avenue. Apparently someone on a motorcycle was hit from behind by a motorist and there was a fatality there. It's not the type of accident that is regularly occurring, it's not the type of accident that would be exacerbated by the proposed development, so we were aware of it, we researched it, and we wanted to report it to you this evening. In our opinion the proposed development is properly designed to accommodate the volume of traffic that it is expected to generate, the site driveway is properly located with respect to adjacent roadways and intersections and with respect to sight distances and it's also our opinion that the volume of traffic to be generated by this development can readily and easily be accommodated on the existing roadway network. Again, we will be submitting our reports and some additional information to the State Traffic Commission for their review. They will be reviewing the development as part of a major traffic generator certificate, and the only reason that is, is again it's part of or has been part of in the past the Grantmoor, Laz-E-Boy, Sphinx Development, so they will be continuing to look at it in that light. If the Commission has any questions related to traffic, I'll be happy to answer them.

Chairman Pruet: What did you say the daily traffic was on Deming?

Scott Hesketh: 5,735 vehicles, that's an average, seven days.

Chairman Pruet: Thank you.

Alan Bongiovanni: Thank you Scott. Just a little follow up to Scott, living in the neighborhood, there have been three or four accidents since I have lived here, probably at the northwest corner of number 8 Barn Hill Lane at the telephone pole. Apparently vehicles not knowing the street travel in a northerly direction from the Berlin Turnpike, don't realize that there is a curve there, and go straight and hit the power. I've lost the power in my home four times in the last ten years. I have talked with staff, I don't know if I have had the conversation with the Chairman, I have talked to several people, do you think there are some things that can be done at this intersection, whether this happens or not, we think something

should be done here to, maybe more signage more readily that there is a sharp curve, a stop sign put in, something to help with that situation because it's something that does occur and can be prevented or at least slowed down. Having said that, I'd like to now go to the handout that I gave you, the few project facts. The PD, Planned Development zone, residential use, 7.9 acres, our proposal is sixty total units, all two bedroom units, sixteen in four, four unit town house style units and those would be these on the southerly end and then the remaining, twenty-two two unit, we call them carriage homes duplex style houses. Town homes are sixteen units, one car garage, all forty-four units in twenty-two buildings of carriage homes have two car garages. The unit sizes, we are proposing on the town house from 1400 square feet, the carriage homes from 1700 to 1950 square feet. We have submitted and you will see the site plan architectural elevations as well as some floor plans to give you an idea of what the intent is. We think this is what the market would desire. We think this is an appropriate transition from the commercial to moderate density to a lower density use in the Barn Hill and the Deming Farms developments. Some of, all of the utilities would be serviced by MDC sewer and water, CNG gas, CL&P electric, it would be underground, and of course, cable. Some of the project amenities is that we designed this with an incorporating many of the low impact design principles. Those are terms that are being used more and more frequently and there is no set standard by the environmental community, by academia, and land use professions that we develop and site, we design a site so that the amount of natural resources that are used are minimized. That there is less waste, that the water quality of the storm water run-off is treated better, that you can release more of it into the ground water, and leave it where it falls as opposed to transporting everything down by conduit, streams and pipes to the oceans.

Chris talked in detail about energy efficient home construction in the Building America program which they are a part of, and it is our desire to do that on this project. It's a transit oriented development. It is immediately adjacent to mass transit, the bus comes by on the Berlin Turnpike several times a day, right behind the property, a short walk along the new sidewalk, to the DOT, you have a bus stop there and a shelter, and I did talk with the Connecticut Transit Authority, if there is enough people in the development, they will make the loop around Deming and actually pick up and drop off there. It's smart growth, this is moderate density housing, close to goods and services that is an adaptive re-use of existing developed property. This was farm land, it's been a recreational use for some forty plus years, now we're looking to convert it into a residential use as we proposed. I have a little section at the bottom, approximate fiscal benefit to the town, this is not an expert's analysis.....

Commissioner Pane: Mr. Chairman, Mr. Chairman I thought that that was inappropriate, how much money is generated for taxes really has no plan on this, and I would ask that, it shouldn't play any effect on our decision at all, and I would imagine that the applicant should know that it shouldn't be stated and I would request that it.....

Alan Bongiovanni: I respect that Mr. Pane. Moving on, Section 3.19, page 2, Special Exception permitted in the PD, Planned Development Zone, I'm not going to read the first section, but under 3.19.2 (B) you have conditions, residential building may be permitted subject to the following conditions, B, conditions, this use and its permitted density and height is declared to meet a community need and to be compatible with its environment, provided that the Commission finds that all of the following conditions and standards have been met. Location. You can't consider a site unless it has, I'm going to paraphrase, unless the road is connected to the Berlin Turnpike. We've met that condition. Deming Street starts at the Berlin Turnpike travels northerly, easterly but northerly, to Griswoldville Avenue. Site Area. Has to be a minimum of five acres, contain at least 4500 square feet of land per dwelling unit and we would remove from there, wetlands, flood plans, and slopes over fifteen percent on the property, there are none, and total ground floor coverage can't exceed twenty-

five percent. We have actually 5726 square feet per unit, we're some sixteen units less than density than the regulations would allow, and total ground floor coverage is less than twenty-one percent, 20.6 percent for the entire site, so we are well within those dimensional and bulk requirements that you have.

Item number three, recreation area, Suitable common open space for the recreation of children and adults shall be provided and screened from driveways, streets and parking areas. At least 200 square feet of such space shall be required per dwelling unit. We've met that standard. In the central portion of the site we have outlined an area consistent with recently proven and built developments that type of open space, we have 250 square feet conservatively per unit, or fifteen thousand square feet where a minimum of twelve thousand would be required.

Item number four talks about the height of the buildings, for the public, I think you might be very interested in this. This zone allows for four story buildings. You could put a ten thousand square foot per floor, four story apartment buildings on this property that although are permitted, and allowed in the zone, we don't believe are consistent with the neighborhood, we don't believe would be a benefit to the neighborhood, and quite honestly, would be an eyesore. They have to have at least two stories, but no more than four stories accessories, accessory buildings can't exceed 15 feet in height. We've met that. The town homes are two and a half stories, the carriage homes are two and two and a half stories, some have walkouts, and the accessory building which would be in the center here, the mail center, generator, MDC pump station, would be fourteen feet in height.

Item five, Spacing of Buildings, buildings shall be so located and arranged as to permit full access to the sun. We believe this condition has been met. The site has been laid out and units spaced to provide full access to the sun. With orientation, we have gone to great lengths to maximize efficiencies, utilize green building techniques and materials and work with state of the art low impact development principals. The majority of the site is small, two unit buildings that allow for more window area on the surface or the walls of the building and offer greater flexibility for orientation on the site.

Item six, dwelling units, the basement shall not be occupied as living quarters, the condition is met. If you look at the architecture these are according to building code, considered single family construction. Each unit will have a basement, a first floor, a second floor, the dwelling unit is a first floor and second floor if you go by the definition of a basement in your regulations it's met. This, my history with the town, my history with the regulations the intention of that regulation is when you get into the large four story apartment buildings where you don't want to create a fifth floor of living space. That is where I think that was appropriate, this style of housing, I'm not sure that it is so.

Item number seven, parking space, in addition to the requirements of Section 6.1 no garage or parking space shall be nearer than 35 feet from any street right of way, and parking under a building is permitted. The standard is met. There are no parking spaces or garages closer than 35 feet from Deming Street. We have the 35 foot building line, the parking spaces start beyond that, the garages are well beyond that. Section 6.1 calls for two spaces per unit. We provided 3.98 spaces per unit with two spaces shy of four parking spaces for every unit on the property. Historically this Commission has counted and I believe it is in the regulations, parking spaces as parking in front of the garage, parking inside the garage, and the additional spaces that we have shown around this project for occasional spaces. To that end, I looked at recent projects that were approved, that we had done, that we had designed, things like Newington Ridge, seventy-one units, has a total of 3.4 parking spaces per unit, for the entire site, including inside garage, in front of the garage and the occasional spaces, which there are only fifteen in the center of the site. Woodlands, Pulte development over on Fenn Road, 154 units, there are 3.49 spaces per unit. There are no occasional spaces. Could be allowed on the street, but inside the garage, in front of the garage, there's 3.5 spaces per. We have one half space per unit more than those current developments. If you go back and look at the older developments like Hunters Green, you've got 2.6 units, spaces per unit.

Piper Brook Condominiums on Willard Avenue, 2.2 units including garage space, so I think we have that. I know that the Planner has asked us to look at possibly putting some more and we can continue to work with the Planner, maybe show some deferred spaces because we don't believe that they are necessary. I know Landworks experience in Farmington with 23 foot driveways and significantly less parking per unit has functioned very well. They have been in that project for six years and are just on the end of it.

Item eight is Fire Protection, talks about sprinklers and fire protection for spaces or floors more than ten thousand square feet, automatic sprinklers in stairwells, corridors, and such. These conditions and standards are not applicable to this type of building. That is not to say that the building code doesn't change and require individual sprinklers, we would be required to do so.

That concludes Section 3.19. Under Section 5.2, Procedures and Standards for All Special Exceptions or Special Permits. Section 5.2.6 talks about In reviewing the proposed special exception or permit, The Commission shall consider the following criteria as well as any specific standards pertaining to the requested special exception or special permit and record its finding in the record of the meeting: A. The need for the proposed use in the proposed location. The existing Barn Hill Development on the east side of Deming Street and the recently approved Deming Farms residential on the north side of the property need, they need this parcel to be developed as residential use to protect the character of the neighborhoods and the quality of life. You have projects that the Commission properly zoned, has approved, they have been built, Deming Farm is being built, they are high value homes in the Town of Newington, they have established a life style here, they deserve the protection of a transition, rather than allowing some of the uses that could be permitted. This location must be utilized as a transition from the Berlin Turnpike uses to the lower density neighborhood to the north and the east. As I stated earlier, as of right, commercial uses, industrial uses, retail, business, contractor equipment yards, four story hotels, banks with drive through, professional offices, private clubs, fraternal organization and on and on are permitted as of right. We're going to try, we are attempting to make that not happen, or ever have the opportunity to happen.

B. talks about the existing and probable future character of the neighborhood in which the use is located, the existing character of the neighborhood is predominately residential which the town Planning and Zoning Commission reinforced with the recent approval of the Deming Farms project. That went through the special permit process as well. The future character of the neighborhood should stay residential.

The size, type and location of main and accessory buildings in relations to one another, and in relation to other structures in the vicinity, some of that talks about spacing and things like that. Let me put in here that it's been done in accordance with the regulation. Talk about the size and the scale of the buildings, the footprints of these buildings was purposely done and sized so that it would be not out of character with the neighborhood. We've done layouts on this project before, with four and five and six unit buildings, seventy, seventy-two, seventy-six units, maximizing the density. But it looks out of character with the neighborhood. These footprints range from 2400 to 2800 square feet. They're not different than the mass and the area of many, if not most of the homes in the Barn Hill neighborhood. These will give a lot of the appearance of the same size mass, they may not look the same, and you will see the architecture a little later on, but the actual size is similar to what we have in Barn Hill. The spacing, especially along Deming Street where it is most visible, we've made sure that it has exceeded the houses, twenty foot separation, you've got twenty-one, twenty-six feet between buildings, not everywhere through the site, but where we thought it appropriate in the front of the site, to maintain the same character. Later in the site plan I'm going to have our landscape architect Stephanie White talk about the landscape plantings and the streetscape that we have designed for this site. There are a lot of great features that help support our choices there.

Item D, traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets, Mr. Hesketh's report is very detailed, talks about a lot of those issues, on site circulation has been designed to accommodate standard vehicles as well as Town of Newington largest emergency vehicle, the tower truck. This demonstrates that it works within the twenty-four foot roadway, stays within its own lane, it did tell us that we did need to increase the radii, which we will present before the next meeting, hopefully we will have any of these technical issues worked out with the town staff and the Fire Marshal, but from an engineering perspective we believe we have satisfied that criteria. That's not to say we're not willing to discuss comments that will come out later that the Planner has put forth. The location of the street as stated earlier was placed to maximize the sight distances in both directions, again, refer to the traffic report. Parking, again, distributed throughout the site, it is virtually four units per, four spaces per unit. Your Newington zoning regulations talks about, requires two spaces per unit, we believe we have doubled that. Again, if, through discussions with the Planner that maybe some deferred spaces would relieve some concerns, we are willing to work with that.

Item E, available of public water and sewer, you have a letter from the MDC stating that those services are available and then you require information about the storm drain system and that the, we properly and safely accommodate any increase in drainage. The storm drainage system has been designed to mitigate any increase in any impervious runoff. These low impact design principles allowed us to put a good portion of the water back into the ground, we have infiltration units distributed throughout the site, that puts that water back into the ground and doesn't inundate down stream. There is a reduction in the water that leaves this site after this is built. That is the goal, and that I believe speaks directly to that section of the regulations.

Item F, Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties, there are no display signs proposed. We are proposing a decorative stone wall in that location as a landscape feature, if required we would come back to you for a logo or the name placard to be put on that portion as an announcement as to what the project is, but not an advertising type sign. Site lighting, lighting provided by Connecticut Light and Power that are the same fixtures used at Woodlands, your fiberglass pole, fourteen foot in height along with colonial style fixture, with a full cutoff, a high pressure sodium bulb and fixture. Landscaping, again, we will talk about this in greater detail, if you have questions about the buffering and the planting Stephanie is available. Sheets six and seven of fourteen of the site plans talk about site planning, the layout, there is a lot of detail as far as the building planting, but we would like you to pay attention to the work that was done around the outside. I've been involved in a lot of projects that have come before this Commission, I know what works, I've seen the projects get built. If you look at the quantity, the quality of the trees, the types and the variety, and the sizes. You know, the evergreen trees that we plant the buffer, they are six to seven foot to start because we want it to look more mature. Not to plant seedlings that may detract from the quality of the development. We want a first class development here.

Item G, the last one, Safeguards to protect adjacent property and the neighborhood in general, from detrimental including but not limited to proper buffering. This proposed use and development inherently will protect the neighborhood in general from detriment. It's the same type of use that we are proposing from the properties to the east and to the north. The property to the west is about a nine acre wetland that probably will never get developed, I can say almost assuredly. The property that is subdividing this of course is in favor of our application or they wouldn't have signed the application, and the area that abuts the Shriners is a sliver of land in this area that actually has been occupied as part of the driving range for over forty years, and we have no indication that they're being harmed by this application, we think it's a benefit.

The proposed unit development will have an entire set of private restrictions and covenants that will go beyond what protections a land owner can typically expect from town zoning regulations and town ordinances.

The Plan of Conservation and Development talks about strengthening ordinances on junk cars and blight and things like that. What we typically put into this type of development is not going to, is absolutely stronger than what a public ordinance would be, so that helps protect the neighborhood in that there is an association that polices what happens on this property in perpetuity and that assures that it won't go into disrepair as even single family housing can. Last but not least, the proposal creates buffering to the Berlin Turnpike uses from the residential neighborhood and it doesn't do it here. We do it up here at the farthest point. I'd also like to pay attention to the fact that from the Barn Hill Development you have lots one, two and three, at this location here. Almost the entire front of our proposed development is a conservation easement, it's wooded. They have a fabulous one hundred foot buffer all along this area here, so you will be able to see it from across the street but lot three can't see it through the woods unless it's winter, and lot eight I think when you see the planting plan that we have, or house number eight, that will be screened as well. Having said that, I will open this up to any questions that you might have.

Chairman Pruet: Are you going to have the landscaper do.....

Alan Bongiovanni: Well, if you would like to have Stephanie come up and talk about.....

Ed Meehan: Site plan approval.

Commissioner Pane: Mr. Chairman, if I may, I have a couple of questions for the applicant. There are some dividers on the driveway there, have you determined what kind of material you are going to use. The reason I ask is up at the development off Fenn Road there they had some problems.....

Alan Bongiovanni: I know exactly what you are talking about.

Commissioner Pane: Have you determined yet what.....

Alan Bongiovanni: We want a visual barrier, level grades with no steps. It's going to be stamped pavement, dyed stamped pavement, it could be a stamped concrete or a paver, it will be a significant permanent style, it won't be mulch or stone or anything like that.

Commissioner Pane: All right, I think that would be a plus. I think the transition is a good transition and one other question, have you received the staff report from our Town Planner?

Alan Bongiovanni: I did, I received it about four o'clock this afternoon, I wasn't going to go deep into it, but under the site plan I would like to address some of the things.

Commissioner Pane: Okay, and then the only other question that I have is, in the middle, where your common area space is, which is supposed to be like a recreation area, I'm concerned whether or not we have so much landscaping in the middle there that we are losing actual recreation area for, in case there are children, so....

Alan Bongiovanni: I absolutely appreciate what you are saying.

Commissioner Pane: So, I would ask you to look at that. Thank you.

Chairman Pruet: Staff comments?

Ed Meehan: Just quickly, because it has been a lengthy presentation, Mr. Bongiovanni has the staff report, Commission members have the staff report, I'll enter it into the record. Relative to the special exception, I think from a macro overview here, looking at the big picture the most important thing is, I would concur with Commissioner Pane's comment and the applicant's comment that this is a very good transitional use to the neighbors and residential folks on Barn Hill, Candlewyck and all the way up and down that easterly side of Culver Street and Deming Street. This really doesn't belong in a commercial use zone, with all of the traffic access out onto Deming Street so I think from the neighbor's point of view this is going in the right direction. The only thing that I would also add under special exception comments and Mr. Bongiovanni had talked about this. We met with the Fire Marshal, we met with the Town Engineer, I just point out in the special exception section, and we can talk about it in more detail on the site plan, but it is relative to safety and public access, is this issue of the width of the road, and what is the safe radii and turning movements and maneuverability of fire apparatus and snow plows and waste collection trucks. I think Alan had a graphic and I'd like to look at that later on. That's pretty much all I wanted to say about the special exception, most of my comments are relative to the site plan details, and the Town Engineer has given a report relative to drainage and so forth that the professional engineer working on this needs to look at. One traffic comment that I would like to clarify and I don't know if I'm recollecting this correctly when they talk about stop sign control. Are your traffic engineers going to make a comment on that, I'm talking about a three way stop on Deming.

Alan Bongiovanni: That's really, we think that is the purview of the Traffic Authority which is the Town Manager. We're willing to support, we believe a three way stop is necessary, if not proper traffic engineering to control speed with stop signs.....

Ed Meehan: That's correct.

Alan Bongiovanni: But in this location, it's appropriate. You know, the Town Engineer furthered this discussion, requested of us would we consider possibly allowing a wider right of way to make a more gentle sweep. Of course we responded in a positive fashion, but I also said to him, you know, this is a traffic calming thing. You can make this a wider curve, you are going to increase the speed here. You might want to, not a stop light, but we have a one way stop here, you turn it into a three way stop, or at least sign this appropriately so that you have a sharp curve and then you put reflective arrows on the side of the road, it will improve that situation. The other thing too is Mr. Ferraro had concern about the actual relocation of the utilities in that area to make that work, but we are willing to work with the Town. We understand, as a resident there, I understand that it can be improved. I think a three way stop is appropriate there. That is the Town Manager's decision, we'll support it. We have a traffic engineer available to provide that information to the town to help them make the decision.

Ed Meehan: Is that something that Mr. Hesketh is willing to talk about on the record, from a traffic engineering point of view, understanding that the decision is at the town level, not your level.

Scott Hesketh: From a traffic engineering point of view, as Alan said, installing stop signs to control speed is not an appropriate use of stop signs, so I would not stand here and propose that to you. If the town said, if the town council was decided and they wanted to install stop signs at that location, we would be happy to put them up for you. I don't recommend, as Al said, if we want to do something there, if there is reasonable concern, there were three accidents in the last four years. If you were involved in one of those accidents it's a dangerous situation. It's not a high number of accidents especially with the volume of traffic

on the roadway but if something were to be done, I think as Al said, increase illumination there, get another street light installed, to illuminate the area to alert motorists to the fact that one, there is an intersection, two the road is curving, install some signs, signs that say if the roadway is turning to the left you should be aware of it, we have to understand that the more signs that are put up, it's going to look like there are a lot of signs up there. People are going fast and all of a sudden we put up a couple of signs and then they go, oh my God, look at all those signs out there. It looks like a major highway now, so there could be something that could be done, maybe if some rumble strips on the side so if someone starts to veer off the road, they get notice that they are veering off the road, something like that could certainly be done. You could put reflectors within the center lane, I'm assuming that most of these accidents occur during the evening time when they can't see the curve coming, with the proper stripping and some reflectors in the roadway could alert a motorist to the fact that the roadway is curving. As a traffic engineer, unless we saw a higher rate of accidents there, a stop sign is probably not a proper use for that location.

Alan Bongiovanni: And again, Scott's expertise is at the disposal of the town to assist them to determine what is best.

Ed Meehan: The last comment I would make as part of the public hearing portion of the meeting is perhaps the Commission members could take a ride over to the project in New Britain/Farmington. I spent an afternoon there last Thursday with the Town Engineer. We walked around, got a good sense of the project at that scale, getting a sense of getting out of the car and walking around, looking at the embellishments over there, some of the things that were presented tonight, are probably ten minutes away.

Alan Bongiovanni: It's just above Westfarms Mall.

Ed Meehan: It's worth a ride through to look at it.

Chairman Pruet: Anything else, Ed?

Ed Meehan: That's it.

Chairman Pruet: Commissioner comments?

Commissioner Casasanta: Just a quick question. Mr. Bongiovanni just made a comment that this project was to be medium density housing. Just for the benefit of the public, Ed, could you comment as to whether that is an accurate statement?

Ed Meehan: Well, actually medium density on the hierarchy of our zoning regulations would be the 8,000 square feet of land area per unit which is permitted by special exception in the R-12 zone. For example, Newington Ridge or Woodlands, Pulte Homes or Toll Brothers. This at density of 4500 square feet per unit would be at the high end. The only thing higher is special exception for age restricted or senior housing in Newington. They are not hitting that 4500 square feet, this reports at 5700, 5800 square feet per unit, so it might be a little bit higher, I still think it is in the medium range though, it's still less density than we used to permit ten years ago when it was 6,000 square feet per unit. So, medium I think is probably an accurate description.

Commissioner Casasanta: Okay, thank you.

Chairman Pruet: Additional comments from Commissioners?

Commissioner Pane: Mr. Chairman, going back to the traffic, Ed brought up the stop sign there at, the three way stop sign, if I'm not mistaken didn't we add some stop signs further northbound not too many years ago?

Ed Meehan: We signed Culver and Deming, tried to fix the alignment first, they couldn't, so they did put a stop sign there. Maybe even at the top of the hill here, Candywyck.

Commissioner Pane: I kind of like the idea of that, I didn't think of that and I think that might be a nice calming effect and improve safety there. I think the Commission should look at it closer so we can make recommendations to our traffic authority.

Ed Meehan: The only thing that surprised me in Mr. Hesketh's report was the eighty-fifth percentile, I thought for sure people were going faster.

Alan Bongiovanni: F.A. Hesketh did the traffic report and study for Barn Hill Acres in 1995, it was the same speed, exactly. Maybe the ninety-ninth was going sixty miles a hour, but the eighty-fifth wasn't.

Scott Hesketh: And the counters are out there 24/7 and they record the speed of every vehicle that has gone by so it's just a statistical anomaly, we didn't pick and choose an hour, we're not giving you the information that we wanted to see, because if it was ninety miles an hour, we wanted to make sure we had the right sight distance out there, so that is what we found, that's what we reported. Everyone remembers the car that goes faster, so.....

Chairman Pruet: Which intersection are we talking about putting the three way, the Barn Hill, not the Morningside.

Alan Bongiovanni: No, Barn Hill. Because you have one here now, to stop them there and there, I think it would function, Scott is a traffic engineer, I'm a resident. I think this will work for me.

Scott Hesketh: I think it will function fine, it's just the NBTCD discourages us from doing that and one of the reasons is when you start putting up stop signs in a lot of locations, people know it takes me two minutes to go from here to here and if I have to stop at seven stop signs, I go faster between stop signs because in my mind, it's supposed to take me two minutes, so if I waste ten seconds here, and I was going 35 between stop signs, now I go 40 and I get to the next one and then I go faster to the next one, so that's generally what we see in engineering so we don't like to use them for that purpose. If there is a volume condition which warrants it, if there are a significant number of accidents which warrants it, if there is a school bus stop which warrants it, and if you have sight distance limitations, and perhaps we can take a look at some of these locations, if we can demonstrate a sight distance limitation, and justify the installation, then you get your stop signs but we can't base it on an engineering judgment.

Chairman Pruet: Also an unusual curve could be a condition too, which it has.

Commissioner Anest: I have a question. What is the recommended distance between stop signs now? What is the standard?

Scott Hesketh: Well, typically you want to keep intersections two hundred feet apart. Putting, we don't have a distance between successive stop signs because we don't use stop signs for that purpose. If you have intersections with high volume traffic on the main road, and certain volume of traffic on the side road, and it warrants a stop sign, then you put one in. So if the

town standard is two hundred feet between intersections then theoretically you could have stop signs every two hundred feet, if they are warranted.

Commissioner Anest: Over at Ellsworth.....

Ed Meehan: Hawley Street

Commissioner Anest: Hawley Street, but you know what, it's not a solution, because people don't stop.

Ed Meehan: That's just it, they glide through it and after a while, they keep going.

Commissioner Anest: Right, and I know that there is a problem with those, with the way that they are situated. I think the Traffic Authority should seriously look at other ways to correct that.

Chairman Pruet: Additional Commissioner comments, questions? Okay, we are going to hear from the public. Anybody from the public wishing to speak for this petition? They can step forward to the podium. Anybody wishing to speak against it? Anybody wishing to speak?

Sharon Lacoda, 8 Barn Hill Lane: First of all I want to say, thank you very much, nice to meet you. I think you did a great job, so far with all this presentation. I don't understand some of the words that are coming out of some people's mouths because they are using very big words, but I still do have some concerns and questions. First of all, I'd like to see what these buildings are going to look like, I think it's great that they are roughly the size of the existing houses in the area. I also would like to know if there is a sidewalk planned, I know they just put a sidewalk and I think it kind of looks like there is a sidewalk in front, is that right?

Chairman Pruet: Ask all of your questions, and I'll have Mr. Bongiovanni come up and address them.

Sharon Lacoda: Okay. There are two traffic concerns that I have, when you did your traffic study, I believe that your, whatever it is that you set up, the machine that counts, and records the speed, was done over here. I know, because it was right in front of my house. The traffic that you are talking about, is over here, how does traffic coming off of Barn Hill Lane going this way, at a very low rate of speed, because they have just turned, and then hitting your little traffic box affect your average, because I know that it is posted at thirty, and I know you said thirty-seven to thirty-nine miles per hour, you need to come sit in front of my house and look at the woman driving seventy miles per hour completely crossing the double yellow line, that goes by my house at ten o'clock in the morning, every single day. I want to know exactly how that affected your numbers, because I would like to see you put the box, here. Far away from any turns, as far as possible, right in the middle and then you tell me what your average speed is.

The second thing that I want to know, right now, when you go out to Griswoldville, and you go to get on the Berlin Turnpike, if you are going straight across and I know this because I'm one of those high volume in the day and night cars that go out that way, to get across the Berlin Turnpike there is usually five to six to seven cars in a line, the third car, you are already getting a yellow light, and then it turns red. There is no yellow, wait a few seconds, it's red immediately. How does this extra, however many cars you said per day, in those peak periods affect traffic going across because it is already backing up to Griswoldville, you add additional cars at that peak time, we're not going to be able to get out of, and I'm not saying that I'm against this really, I know that it sounds like I am, but I just have some concerns.

Can we change the light there, which would make everybody mad on the Berlin Turnpike, but can we change that light to let a few more cars through so there is not a big back up in the morning and the afternoon.

Being a PTA mom, I've gone to lots of meetings with the Board of Education, I don't know what this has to do with how many children are expected to live in these units, but my son was in a classroom this year with 24 kids.

Commission: We can't take that into consideration.

Sharon Lacoda: Okay, but as a mom, with two kids, I'm assuming that there will be kids living here, another safety issue with regards to traffic, my kids are probably going to make friends with kids here, which is great, I have no problem with that. I live here. Cars going by at 40, 50, 60 miles per hour, how do my children safely get from here over to here? There's no stop sign, there's no cross walks, there's no light, there's no way to get over there. So that is another concern that I would have, and the last thing that I will say is that I think a stop sign would be okay I guess, but can't you put it here, instead of here, so I don't have to listen to squealing brakes and taking off. Those are my concerns about traffic.

Bill Lacoda: I think that's right, I don't remember when the study was done, but I do remember a rear end accident that happened probably in the spring time, during the middle of the day, and it was right in here, and what I think you run into, if you put a stop sign here, this is still blind, and I think there is a sign that says, blind curve or blind driveway, so you could still have, a bit more accidents happen there. If you put it there, I don't know where that relates to the elevation at the bottom of the hill, if it would be here, you would have the dual effect of slowing down the traffic before it gets here, because I don't think many accidents come in this direction, I think most are going north. You would have this buffer that you all spoke about, between one, two and three where they wouldn't have the aesthetic issue that tends to go on, I like my cars, but I know that some times they can get a little disruptive. Then, potentially, if you can crosswalk that, then you have a gateway into this development which probably has a bit higher density than the neighbors over here, so potentially the same amount of kids and people and that gives access to both, access over here and access over there for a crosswalk, seems to be, in my simple mind, to be a much smarter move here to slow the cars down, stop signs aren't a slower, but it seems to make more sense if you have to do that. I'm not an engineer, but, I think you have put a lot of good thought into that development over there and I appreciate that.

Chairman Pruett: Okay, rebuttal?

Alan Bongiovanni: Yeah, just real quick, I hope that you stay and see the architecture. We hired Jack Kemper Associates out of Farmington, a well known residential architect. We think he's done a fabulous job, Chris is going to talk in great detail about that. In regards to sidewalks, yes, our proposal is to have a sidewalk extend across the entire front of the property. I am going to have Scott talk about the placement of the counters and answer some of those questions. I have some facts, they are not really germane to this regarding student population, and things like that and I would be happy to share them with you after the meeting. Crosswalks, stop signs, again to go back to our traffic report, we're not generating the volumes that require for this development, but we are willing to support a reasonable solution that the traffic authority of the Town of Newington wants to implement there. We will make Scott available to the town staff. Scott has some good ideas about traffic calming techniques, if it isn't a stop sign. If it is a stop sign, maybe we can help support that decision, we'll help, I live there as well. We'd like to see it, I've got a six and a half year old, so....having said that Scott will talk about the placement of the counters and timing on the Berlin Turnpike.

Scott Hesketh: Certainly. Placement of the counters, I will have to talk to my installer and see exactly where he put it, it was intended to go there, if he put it in a different location, I'll find out and maybe give him a whupping, and if need be, we'll get another counter out there.

Bill Lacoda: It was intended to go where?

Scott Hesketh: In the location where the site driveway is. I mean, sometimes my installer does things on his own....

Bill Lacoda: Could there be more than one?

Scott Hesketh: Somebody else could have been out there, as well, I don't know. But you talk about the people who go through at seventy, there are between three and ten vehicles per day which go over sixty miles per hour, at least, in the counting that we had done in that location, so yeah, our counts do recognize that there are some people who do go that fast, we do have some hits up in that location. The counter there, the counter over here, the speeds would be you know, maybe one or two miles an hour different on an eighty-fifth percentile basis. Again, it's the speed at which only fifteen percent of the cars are traveling faster. If I move the counter down and vehicles slow down just a little bit, I'm not going to pick up that much difference, but I will check with my installer, if we had it in the wrong location, we will get another one out there, I don't want to report any inaccurate information to you, so we will find that out.

In terms of the intersection of Griswoldville and Route 15, I don't have the timing plan for that intersection. Yes, the Berlin Turnpike is a very busy roadway, there are very large volumes of traffic, it is the policy of the Department of Transportation to move as much traffic as efficiently as possible, so in 120 second cycle they are likely to get 90 seconds of time on the turnpike and then there are 30 seconds of time for the two side streets to split up, and I do believe that there is split phasing in that location, so you only get 15 seconds of overall time, which means you probably get ten or twelve seconds of green time and some yellow and red time, and it will change very quickly. Again, I think we are adding approximately one vehicle per minute, so and that is a total of both entering and exiting, by the time the traffic gets up to that intersection, we're looking at maybe 40 to 45 vehicles per hour, which is probably one vehicle per cycle length, maybe one and a half vehicles per cycle length, so it shouldn't be a significant number and it shouldn't significantly alter the operation of that location.

Chairman Pruet: Okay, any other Commissioner comments? I received an e-mail from a resident, Katrina Gabriel, and I'll read it for the record. "Good afternoon. My family and I live on Lamplighter Lane and do not believe that housing, no matter what type in that area would be an asset to this neighborhood. The elementary school and middle school for this part of town is already pushing large classes with yearly debates on increasing class size due to budget and teacher cuts. How many more students will this development bring to Newington? Can the services that the town provides support this increased number? How does this affect our house values? How will it affect traffic on Deming? Why do we need another complex of condos and town houses in Newington? Something that should actually improve the life of the residents of Newington should go park. Please do not let more land go to new housing. Please leave some space for open air. We are against this development, please do not let it go through. Thank you for your attention to this matter. Katrina Gabriel, Lamplighter Lane, Newington."

Just for the record too, we can't consider class sizes in school, the impact on our decision. So we will enter that into the record. Okay, what's the feelings of the Commission on this petition?

Commissioner Pane: I think we should leave this open Mr. Chairman. I think traffic might come back with a couple of things.

Chairman Pruett: Okay, I think that is the consensus, we will leave it open.

D. PETITION 27-10 – 44 Fenn Road, Stop and Shop Plaza, Hayes Kaufman Newington Associates, LLC applicant and owners, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT 06042 request for Special Exception, Section 6.2.4 replace existing pylon sign, PD Zone District.

Chairman Pruett: Is the petitioner here?

Sandra Wilkins: Let me introduce myself. I'm Sandra Wilkins, property manager for Richard Hayes, Hayes Kaufman, and he sends his apologies, but he is at an ICSC meeting, which is the International Conference of Shopping Centers, interviewing prospective tenants for our center which is, Newington is a beautiful town, and we think that the shopping center is very viable for the tenants, we're working on that.

I just gave you a handout which is the first page is what I am going to go over, the second page is a rendering of the new sign and the third page is a photo of what is there. Our individual tenants have requested their store name on the pylon numerous times. The center was built twenty years ago, and the tenants for over twenty years have said, why can't we get on the pylon sign?

The configuration of the pylon sign, the new sign is roughly the same size as the old one. The Stop and Shop panel will be the same size but will display the new logo as you notice on the second page. It's the new branding of Stop and Shop. The only difference is that we are going to be taking out, if you notice on the last page, stores for rent with the phone number. In there will be space for six tenant names that are going to be added. We would like to add more, but the size of the lettering as you stop at the stop light or whether you go through has to be legible so people can actually read the tenant names. Again, these economic times, tenants request to be on the pylon has increased significantly and the owners felt that something needed to be done to help out the tenants and hopefully this will lead to a stronger customer base for our tenants. Greater public's awareness of the center tenants will result in a stronger customer base which will thus increase the overall tenant sales and help out the prospective tenants and the new ones that will be coming in there. The appearance of the current sign is outdated if you have been by there you will notice that it is a step back twenty years. The new sign will be more attractive than the existing sign. It will be an aesthetic improvement to the appearance to the shopping center, and again, you have your rendering of what we are proposing. I would also like to add a few other comments, the old as well as the new pylon sign conform to the code in every way. The reason that I am here before the board is because the shopping center required a special exception permit when it was originally built, because you wanted retail in an industrial zone and the pylon was included. The property now is zoned PD but the Planner felt that since the original sign was a special exception that any changes to the pylon should also go before the board.

Chairman Pruett: Anything else?

Sandra Wilkins: Nope, that's it.

Chairman Pruett: Okay. Staff comments, Ed?

Ed Meehan: It's stated in my staff report, the proposed sign area and height comply with the zoning design standards for a pylon sign. This plaza can display up to 1,024 square feet of

signage. The retrofit, or redesign of the pylon still leaves a balance to other tenants who may want to come in add signage because they haven't used up all the sign area yet. The proposed sign is a new sign and in order to change the special exception it is required to come back to your board. At the staff level we don't have the authority to change a special exception, so that is why this is before you. I think the newer sign would be a good land mark on Fenn Road. First of all the street address is there which is not on the current sign, which is very helpful to the public and following the general guidelines of what the Commission has asked other commercial plazas to do is a brick base to anchor it and sort of a little more enhanced top, I guess I would call it, so, from a design point of view it meets your standards and from an aesthetic point of view, it's an improvement.

Chairman Pruett: Okay, thank you. Commissioner comments?

Commissioner Aieta: Ed, this was a public hearing. Was this properly advertised because I don't believe that there was a placard or a sign that said it was a public hearing. I didn't see it, unless they put it some place where I didn't see the sign.

Ed Meehan: I know that we did notice to the abutters, you know, notice in the paper, I can't swear that the sign was out there.

Commissioner Pane: Mr. Chairman, I didn't notice a sign either when I did my site visit.

Commissioner Aieta: Did you pick up a sign from the building department and post it at the site that there was a public hearing?

Sandra Wilkins: Not that I'm aware of.

Commissioner Aieta: If that is the case, then it was not properly notified. This hearing is not proper.

Sandra Wilkins: Well then, if that is the case and there is more involved, and again, you all know Richard Hayes. If he was here he would have the answers asap right off his fingers. I would like to be able to present this at the 7-28, your 7-28 session and I would like to put that on the record, and I'll make sure that I.....

Commissioner Pane: The meeting will be left open and you should, somebody should go to the town planning department and pick up a sign and put the sign up and then we can finish this up next meeting. I would like to say too that the applicant might want to do some tree trimming there because no matter what they do to this sign, or some of the other signs there, there hasn't been any maintenance tree trimming done there and maybe that might improve some of the signage on the property.

Sandra Wilkins: May I make a comment, I'm sorry, I don't know what your name is, we have changed the landscaping at the center, I don't know how long ago you were out there, but we did have new landscaping, lowered a lot of the trees at the center to give more visibility and last week I did have the lower limbs of the outside trees trimmed back, again, perhaps when you were there it wasn't done.

Commissioner Pane: I was there today.

Sandra Wilkins: Oh, okay. Well maybe we should take off more limbs then, right? I'll have that issue addressed.

Commissioner Pane: It's your choice, it just would seem that if you trimmed the trees a little bit better you might have some better visibility. That's all.

Ed Meehan: I can verify that the trees were limbed back, the canopy's were raised, probably last spring. I was asked to go out and look at the work so, you didn't want a lot of trees taken down, there is a happy medium, but the street trees could be looked at.

Sandra Wilkins: Okay, I will address that with Mr. Hayes.

Chairman Pruet: We will have this re-submitted under Public Hearings at our next meeting.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda- each speaker limited to two minutes.)

None.

IV. **MINUTES**

June 23, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the June 23, 2010 regular meeting. The motion was seconded by Commissioner Anest.

Commissioner Casasanta: Actually, this is really going back to the June 9th meeting. When we had gotten the minutes of the June 9th meeting a few weeks ago, I noticed an error in that, and I had e-mailed Ed to make the changes, and looking at the meeting minutes of the 23rd, I noticed that those changes weren't made, so again, at the June 9th meeting when we took a vote on the Plan of Conservation and Development, the minutes reflected that it was unanimously approved, but I had voted no on that, and I just wanted the minutes to reflect that.

Chairman Pruet: Yeah, I did review that with Mr. Meehan and the minutes were correct.

Ed Meehan: I think what you may have looked at was, there was actually a vote to close the public hearing, and that was unanimous, and then under Old Business there was a vote on the Plan, and that is where your vote of no, was reflected.

Chairman Pruet: It was properly annotated.

The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

- A. 8-24 Referral - State of Connecticut proposed acquisition of 5,479 foot area of Town owned 690 Cedar Street, former National Welding property.

Ed Meehan: You have 8-24 referrals from the Town Council on, I'll go by each one of the business items. On the first business item is a request from the State of Connecticut to purchase property along the edge of National Welding, 5,479 square feet. This area is being requested for acquisition as part of the widening, the replacement of the bridge, the Cedar Street bridge which is being replaced because of structural deficiencies. This small area of the National Welding site would be used for a wingwall expansion, a structural support of the new bridge. It should not compromise the long range redevelopment of National Welding but

in my staff report I recommend that the Commission report to the Town Council the suggestion that we still retain some access rights along the south side of the building. If you look at the proposed taking map, we have a very marginal right of way there now, this makes it a little bit less, and if we are going to have any utility on that side of the building for remediation and demolition, we want to have access rights in there. So that would be my suggestion going back to the Town Council to keep that in mind. They are proposing to pay the Town \$27,000 for this piece of property, and it does improve the safety of the bridge and hopefully the bridge is being designed so it can be widened some day in the future, possibly for turning lanes.

Commissioner Pane: I just wanted to say that I was concerned about the same thing, getting access to the property and I'm wondering if the Town Planner could give us an update on the roadway, future roadway going into the site.

Ed Meehan: The proposed roadway would lead from the busway station and National Welding out to Fenn Road is pretty much on hold right now, for a couple of reasons. First, the status of the busway funding has not been fully resolved so other than having a good idea, we can't pursue that. Secondly, until that funding is in place, the developer to the west, Hayes-Kaufman is not in a position to swap his land with the State of Connecticut and our public/private memorandum of understanding that the Town has been working on from myself and the Town Manager's office, clearly states that the Town is not going to be able to participate with our capital improvement money which would be helpful on some of these roads until we know the project is going to go forward. So there is a lot of catch-22's right now.

Commissioner Pane: Well, I was concerned about that. Is this going to jeopardize our access into the National Welding site if we don't get any access to Fenn Road in three to five years. I mean, what does this do to our access?

Ed Meehan: Well, we have access, if we don't get access through the busway project going out west to Fenn Road, we have access further up the top of the hill, where the driveway gate is right now.

Commissioner Pane: You're talking about next to the old store there, the carpet store?

Ed Meehan: Right.

Commissioner Pane: Is that access wide enough and everything, we're not selling any of that area?

Ed Meehan: No, there is a map attached to the report that shows the triangular piece.

Commissioner Pane: The triangle piece is, but it cuts across it, it looks like.

Ed Meehan: Just below the toe of the hill and gets wider as it goes nearer the railroad tracks, so we have access up near the top of the hill.

Commissioner Pane: Right, and then there is a property line there where the two story building is, so we would be driving across the.....

Ed Meehan: That's not a property line, one line is the building footprint, and the other line is the survey's offset line. Where I'm talking about access, where it says bituminous drive, (inaudible) drive, that's where we have access into the site.

Commissioner Pane: Okay, but isn't that crossing over the land that we are giving to them?

Ed Meehan: No, the land that they want to buy is the shaded triangle, the shaded triangle down here. The gate is right about here, so we would take a left into the site.

Commissioner Pane: All right. I was confused. Thank you very much.

Ed Meehan: So that would be our report back to the Town Council

- B. 8-24 Referral – MDC sanitary sewer easement abandonment and grant of relocated easement for New Meadow Phase II.
- C. 8-24 Referral – MDC water main easement Mill Street Extension for New Meadow Phase II.

Ed Meehan: The next two 8-24 Referrals are companion actions. They are for granted easements in favor of the Metropolitan District for relocation of a sanitary sewer at the New Meadow project which has to be moved so they can put the new building in. They have to remove the old sanitary line and create a new one, and the second one is for a water main extension from the existing service on Mill Street into the site. The District requires a separate main, a 8 inch main for the domestic water and fire alarm service, so this is a standard easement from the Town to MDC. Normally New Samaritan, the non-profit would be responsible through the land lease to grant these easements, but the land lease that the town is working out with New Samaritan is for 75 years. The District requires easements of at least 99 years, so before the property, a land lease is conveyed to New Samaritan, the recommendation is to get these easements on the land records in favor of the District so that then they have the required 99 year lease. Two easement maps are attached to the report showing the relocation of the new sewer and sanitary line.

VI. NEW BUSINESS

- A. **PETITION 20-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District. Inland Wetlands Agency Report Required.**

Chairman Pruett: Is the petitioner here? He is.

Alan Bongiovanni: Again for the record, my name is Alan Bongiovanni, applicant presenting this application for site plan on 199 Deming Street which is part of the Shriners property. We presented a couple of the applications earlier this evening, requesting the re-subdivision of this parcel and to request the special permit to allow the residential use in the PD Zone. Just to reiterate really quickly, for the record and not delay things, we are proposing to construct 60 homes on 7.885 acre parcel of land in the PD Zone, condominium style development, with twenty-two two unit buildings, and four four unit buildings scattered throughout the site. We have one central entry in the center of the property, circulating throughout the site, and exits at the same location as they entrance. The property is at a higher elevation at the south of the property and then slopes down to about the mid-point and then a gradual slope as you get to the northern property line. What we are proposing to do is work with that grade and basically, from the property line come down at a two and a half to one slope, remove some of that material, put in a three foot retaining wall, and then create the platform from the house and these four unit buildings are going to be reverse style walk-out. The garage is going to

be the lower side of the basement, so we reduce the grade and take this material and generate from this excavation and raise the central portion of the site. In doing that, it allows a better approach from the street, it gives a better appearance, it also keeps our basement three to four foot above any ground water that is happening at our highest ground water event in the last, current history, that was a couple of years ago, at the wettest time of the year in the wettest year on record and we have done borings throughout the site, the substrata is basically sand, sand and gravel, some (inaudible) granular material and as we get into this a little farther I will explain why we benefited from the rain. The material on the site, we will need to import about 5,000 cubic yards to effect this site plan, that will be from things like pipe bedding, top soil, things like that for the property. It's a fairly balanced site given that we are working in the whole 7.9 acres of property but it works very very well, and when you study the grading plan, you will see that we have taken advantage of good terrain on the property. Our roadway system, staff has requested that I reduce the grade by about a foot entering the site and we had designed it this way for appearance. We are going to reduce that as part of the staff comments. It won't change really the look of it, other than require less fill on the site. Our grades for the road are between one and two percent for the majority of the site, there will be five percent here, and about four percent for a small portion. Everything drains to the north, and then the drainage system will take it out to the underground system to the northwest and then through easements that the neighbors granted to us. The site will be served by MDC sewer and water. Sewer is in this location, across the street outside the pavement area. It is above the site. This site will have to be pumped, it's going to go to a central pump station, everything is at gravity at that point, and then we create a force main that comes up here and exits out to this location. It is an acceptable standard method with the MDC that we construct the system like this. It will be designed to their standard, they will actually take ownership, so it's not an issue of are we creating something that could be a headache for the homeowner association, it is, like everybody else that lives in the Town of Newington, an MDC town, flush the toilet, it goes into a MDC system. That is how this will function in the same way. They will take ownership, we just have to build it to their standard. Water will be MDC water. Along with the design of the water system that comes from the same location, comes in from the side, create a loop system, we provide fire hydrants throughout the site, we have a hydrant here, one here, we're going to have one in this location. I believe that the Fire Marshal has reviewed that and he may want to adjust the location up in front, but he's happy with the spacing of the hydrants. There will be gas, a lot of the appliances, the heating systems will be operated by natural gas, gas brought into the site, electric will be CL&P. That will all be underground as well as the cable. On a side note, this is an area that has both Cox and ATT and will have some true competition, we are hoping for some leverage there for the benefit of the homeowners, to get a good deal for them. Garbage, there are some things, this is all private roadway system, parking system, there are some things that the residents of Morningside would rely on the town. Garage pickup, as all other condominium or home owner associations have in the Town of Newington, the town provides garage pick-up. That is one of the things that we have to make sure that we can accommodate those vehicles, but they would have the totes inside the garages, they would bring them out on garbage day, they would be picked up, there is no dumpster locations or dumpster enclosures for that development. The, I talked about I think at length during the public hearing about the parking for the site. We are very confident that there is adequate parking on the site. That doesn't mean that we are steadfast in anything that you have to say, won't be listened to and looked at with real thought and consideration. But when you look at what we have out there, and you look at, we have a proven track record in Newington in multi-family housing, this is a great parking ratio compared to anything that you have out there today. And we think that it works. There are a couple of reasons, one, more parking detracts from the attractiveness of the site, and secondly, as a low impact design, we try to get smaller pavement areas, try to get less impervious area on the site and more parking, more pavement, more impervious. The same thing goes for the road width.

Our choice to go with the twenty-four foot road was because it works. We've seen it function and I hope that you visit the Bradford Walk development. The Town of Farmington standard is twenty-three foot roads, and that functions very well, and has for six years. This is larger than that and we think it will be adequate. We demonstrated and we will continue to work with the town staff and the Fire Marshal about how the circulation works, any other type of vehicle, that they may have, will put the template down and make sure we can accommodate those. We really would like to have serious consideration given to the road widths and the parking ratio that we have, because we feel that it is the right thing to do. To increase the roadway two feet around a thousand foot of so of road, you are looking at about 5,000 dollar bill. That is not a make or break proposition for a development of sixty units, but it's a proposition that gets us all moving in the right direction. Taking better care of, better conservators of our natural resources, this is a way to help to do that.

Our drainage system and we haven't received formal comments from the town, but we designed the system that is again, with the low impact motif, we've got really three basic systems on the site. We're got some infiltration units, dry wells through out the site, to bring as much water as well can, clean water, roof water back into the ground and then we have a large water (inaudible) basin with our structured drainage, to bring all the paved areas and polish and clean that water prior to going out to the water course. It has been designed to reduce the rate of runoff in the post development situation so that there is no impact downstream. Less water is going to leave this site when we are done than it does today. Along that vein, Guy Hesketh is here who designed the drainage system, I'd like to have him speak probably at the next meeting because we don't have the comments yet from the Town so we know that there is going to be some technical adjustment. I'd like it stop it there. I'd now like to have Stephanie come up, talk about the landscaping features of the project and then we will have Chris talk about the architecture.

Stephanie White: Good evening, my name is Stephanie White with the landscaping firm of (inaudible) of Simsbury Connecticut. I am responsible for the design of this project and we have prepared the landscaping designs for Mr. Bongiovanni and Chris. As you can tell we have a large amount of landscaping in the development. I want to tell you a little about the buffering here on the Shriners property on the west side. There are a series of evergreen trees along here which, there are about four different varieties to give some diversity along here and not have it monotonous with a single specimen of tree along here. All the trees, the four different specimens that were chosen were chosen because they have a fast growth rate, so you will get a buffer in the next couple of years. They are very adaptable to different soil conditions, they have a pyramidal form in which when mature at a open type shape which will eventually branch near the ground, so you will have that buffer throughout the year. We will be installed at six or seven foot height and they will mature at least at thirty foot height. Buffering then continues along Deming Street, which also helps buffer the back yards of these units, making sure deciduous trees and flora along here. The tree that we kind of were bound to, for this development was the River Birch. The architecture and kind of the kind of type of development, sort of the arts and crafts movement, which we felt that the River Birch would really complement, so the River Birth is used in the common open space areas and also in the entry areas along this front buffer which also ties into the Deming Farms property, the plantings there, there is a lot of River Birch used and that would bring continuity to the berm along Deming Farm and Deming Street. The context of the common space back here is that, as developed in a low impact development we provided the (inaudible)swale and we thought that we would like to enhance that area instead of just having open lawn swale. We tried to create almost a dry stream bed look which we have kind of a meandering swale, boulders, river birches, river stones, ferns, just to enhance that area, keep it open, keep some buffering between the units but also keep it more as an open field. We have evergreen shrubs to help buffer the parking area and to shield headlights from the units, those will grow to be a four foot height and will shield headlights but still be open without blocking, and then

lastly we have street trees throughout the property to help shade the roadway and produce the island affect and also to kind of break up the street scene. If you have any questions?

Alan Bongiovanni: Thank you Stephanie: I would like to bring the Commission's attention also to sheet 7, because of the scale of drawings there is actually details of each, how the plantings would be done around the foundation. Having said that, Chris, I'd like to have you come up and talk about the architecture and the look and feel of the buildings.

Chris Nelson: Thank you, and this should be much quicker than the first part. As far as the architecture, Stephanie alluded to it, we wanted to get a little bit of arts and crafts, really architecture is more than the (inaudible) type architecture, and as you look at the typical elevation of the carriage homes, it is one the more general elevations, and now, sometimes less is more and you have a seven/twelve pitched roofs, they are, the base, from the top of the garage door down is a very nice band of stone, so there is stone at the garage doors at that lower level. That continues throughout the lower level of the entire community including the four units on the side. But if we stay with the upper elevation for a moment, this is a two dimension look, it looks like there is a lot of roof there, right now, but if you look at either side of the building there would be no roof showing what so ever, so in hindsight, we probably should draw you a prospective to show you, because you would never would be looking at a building from directly in front, face on. There are windows on the sides of the building, and the backs of the building, what we didn't want to do was that we didn't want to create taller roofs, tall gables, and just bigger, taller structures. And when I say less is more, we did try to keep these in scale so you wouldn't just been looking down, as you come down from Barn Hill at a bunch of just great big roofs and great big tall structures, yet they have (inaudible) to them, they are two and a half stories, especially these, looking at the lower level, these are the four units that are right here, that back up into that hill. Those are only two story on the back side. There was an attempt to have, well you could look at the building in two ways, you could either separate the garages and put them on the outside and have the homeowners enter through the middle with a common sidewalk, or you can band the garages together. Granted, this may not be an ideal situation because you see a lot of garage doors, but everyone has a private entrance and once you start coming out of the sidewalk, the shadows right here, these are designed to be taller, with windows and transoms, and you are coming into a very, very nice entrance into the individual units. So we really designed this for a large part in the way that they are going to live from the inside out and necessarily, we want them to look nice, and they will, but each building doesn't have to look like an architectural, something special that will outdo the next house. They all work together, the stone, they will be vinyl sided with architectural shingles, all one color, probably two or three complementary siding colors. This is a manufactured stone product but it really starts to mimic the old brownstone look. They do come in larger sizes and random sizes but to fit in the box they gave us a bunch of smaller pieces. Our architect is really, really good at pulling elevations together. We think because they are relatively tight as far as the buildings, twenty feet apart, they need to kind of work together and we just think it's going to look really good. There are a few things that we still need to take care of, and embellish the details as we go, and would welcome your input.

Now I do want to show you while we are talking about architecture, we wanted to be aware of what the community would look like from down the street and if we took, here's Deming Street, what are the backs of these building going to look like? What are people going to see. This building, this is just a sketch, Jack does sketches really well, and this building is this elevation, and you can see the spread of windows, we start to dress it up a little bit, we don't want to dress it up too much, what we really wanted to show you is that there are berms along this entire area, and for the cars as well as for the homes, this line, this slash, is really berm. You see the berm there, and then the buffer plantings, start here. So, as you are driving by, yes you will see tree and buffer plantings but really what your eye is going to stop

at is the planting, unless you are a ways back, and then you will probably be seeing the upper parts of the berm, so we really tried to pay attention to that part of the berm itself. Any questions?

Commissioner Aieta: You are going to continue the style of berm that is on the property to the north, the new development, that same type of berm? Height wise?

Chris Nelson: We're working with some grade coming down, so we would have to adjust but in short, yes. In fact Stephanie, weren't you involved in that design? With that berm? Were they approximately the same? I know that we have different species in there, that's for sure.

Alan Bongiovanni: There are some similarities, I know they have some River Birch in there, some arborvitae and things like that. Actually, I think Mr. Chully added a significant amount of additional plantings because he like the way that it looked, put more plants on.

Commissioner Aieta: But the heights are similar?

Chris Nelson: It's not designed to be a tall block, not a wall of trees. That's not what we are trying to do. We're trying to make a very attractive streetscape.

Chairman Pruet: Ed, comments from staff?

Ed Meehan: Yeah, I think at the staff level with need to sit with Alan, myself and the Fire Marshal and Tony Ferrero and work out this issue of turning radii and what is safe access for fire equipment, whether it is twenty-six, twenty-four, I guess we need to verify that to the satisfaction of the Fire personnel. Normally we see twenty-eight, thirty foot roads, serving developments and smaller twenty-four foot wide courtyards off of that, leading to parking area, so this is going to be something new so at staff level we will look at it, we want to make sure it is going to be safe and functional.

My staff report, again, I think the public views as Mr. Nelson mentioned from Deming Street are important to the neighbors who travel this road and some of the neighbors from Barn Hill who are going to see this every day. I'm impressed with the picture but the hand drawing there does more for me than some of the computer stuff and if this is fairly accurate, the varying roof line, and a varying berm height, well planted I think would do a lot of screening. The project to the north I know is moving right along and I don't think anybody wants to see a wall. A varied berm height and it will be more attractive. Item number four, we'll have a meeting that I think we can work out with Alan, pretty simple, where people are going to pick up their mail and so forth, and number five, the embellishments. This is here because I went to New Britain, Farmington/New Britain and I saw what they did there. They have concrete curbing, they have cobblestones, they have excellent landscape design and maintenance and it really makes for a quality project. So that is why this is here, I think with some tuning up of the entrance way with maybe some cobblestone or stone piers this could be a very impressive project. I'd like the applicant to think about that, I'm not going to try to break the bank on you, but I think it makes a difference. I guess the New Britain site is newer, some of the buildings are just framed out, not even finished inside, but if you drive over to the area that is probably six, seven years old, it's in great shape and the fact that it has a boulevard entrance, it's a very classy development. So, that's what I'm trying to encourage here, so I think we could talk about that also at staff level. Tony and I were curious, what happens with the snow? Where's it going to go?

Alan Bongiovanni: It gets distributed throughout the site. I lived at Foxboro for thirteen years, before I built my house and moved to Barn Hill. It's not very dissimilar to the layout there as far as density, curb cuts, driveways and things like that. They distributed, first of all, you have

a private contractor that comes in and does it, most driveways are done with a snow blower when you only have a straight in and out to do it and then they go through the roads and plow them. They will stack the snow where ever they have spaces between units and things like that, distribute it around the site. I mean, it's done on a common occurrence.

Ed Meehan: Well, this is a private development because this is going to be a challenge because of the driveway being tied together and the road being a little bit narrower and it should be coordinated with your landscape plan, so I'm just saying, think ahead.

Chris Nelson: At Bradford Walk, they are twenty-three foot roads and they have concrete curbs on both sides and it has worked out very nicely, although we did learn a lesson, we don't want to put a sidewalk backed up to it because the salt is getting beneath the sidewalks, so that was a lesson learned.

Ed Meehan: Monolithic or extruding.

Chris Nelson: Extruding. So, there were a few lessons that we learned along the way. But as to the width, there's no parking. If you did a twenty-eight foot road and had parking on both sides, it would cause your travel lane to be less. We have a full twenty-three feet, and we enforce that. That is a enforceable regulation and there are fines for people who violate those regulations. We do allow some parking with some limitations, but everybody has two car driveways in front of their homes. On the off chance that someone has thirty people over or something, okay, it is going to get a little tight, people are going to have to walk a little bit, to find a parking place, but it does work. As far as the snow, our company actually has taken care of the snow, we use back drag plows to pull into the main road, and then bobcats or small loaders to pick up and put in between the area. There is actually much more space for snow than there is on (inaudible) and it's working out great for five or six years. Again, we've learned some lessons as to using soft blades, some of that type of thing to protect the concrete.

Alan Bongiovanni: To speak quickly to Ed's comments, we just really got these, Ed and I and Chris and Ron have been working closely together on this, but I didn't see comments until four o'clock. We have a sidewalk coming from the street sidewalk into the site and then circulating around and that is going to be a monolithic curb and walk, so the whole entire center island is a concrete curb. Ed had mentioned to us, what about thinking like we did in New Britain and Farmington, did concrete on the outside, we've already made that decision, that makes sense to do that so you are going to have a nice concrete curb on both sides of the road. A lot of the other things we will take seriously. We are very receptive as you know, I think I have always been on most of my applications, to suggestions that make sense. We want this to be a successful project. I'm going to drive by it every day, so things that make sense, that can improve this project and still allow us to make a reasonable, make it at a reasonable price for the buyer, we're happy to look at, so we will continue before the next meeting to work these issues out.

Chairman Pruet: Commissioner comments?

Commissioner Anest: I have a couple. So, there is no parking on the street?

Alan Bongiovanni: It is our intention not to have parking on the street.

Commissioner Anest: Okay, what happens when three people have Christmas Day at their house? Where do people park?

Alan Bongiovanni: There is throughout the site, we've got seventeen spaces here, we've got half a dozen here, I think eight over in that location there. I mean, we have a significant number of parking spaces. This question I think was more appropriate for all of the other ones that were approved in town, where they have significantly less parking. You know what I'm saying? They function. I lived in a condominium that only had two and a half.....

Commissioner Anest: Yeah, but a lot of people park in the street there.

Alan Bongiovanni: On the main road, on the side roads they can't because then they would block the traffic, to Chris's point that it's a twenty-four foot road. Without any parking it's much more accessible than even a thirty foot road with one car parked on one side.

Commissioner Anest: I have another question. Why do you have four units with four units in them?

Alan Bongiovanni: Four four unit buildings?

Commissioner Anest: Yes.

Alan Bongiovanni: I'll hit this one, if I don't do it good, Chris, you can correct me. We wanted to work within the grade of the property. We knew we had a transition from the upper elevation to the lower elevation. We also wanted to have a variation of sizes, 1400 to almost 2000 square feet. In doing a 1400 square foot unit and putting them in this area because it is the closest to the varying uses. It was appropriate to do that. If we did them as two unit buildings, they would kind of look out of proportion with the rest of the site. This footprint is the same as these, area wise.

Commissioner Anest: But you said when you opened your presentation that all of the units were end units, when you initially spoke, and then.....

Alan Bongiovanni: Chris did mis-speak.

Commissioner Anest: Okay. Is there a way to make them three units, I just think it makes them look too, it takes away from the other units, when you look at it. It just looks more like an apartment than it does as duplexes, with the four doors in the front.

Chris Nelson: I appreciate the comments. We actually spent a lot of time wondering, do we incorporate that, how do we do this. We wanted to help reach a little bit more affordable price point and certainly this lets us do that, not only on those four units, four buildings, but it is spread over some of the land and the site process so the other units come down in price a little bit as well. So, that's part of it, yes we are looking at moderate price for housing to be mixed into a community and we didn't want a monotone project that was just one thing. When we can hit a couple of different price points and a couple different (inaudible) it's just more energy rather than trying to do just one thing.

Commissioner Anest: It doesn't look like it belongs. They just look like they belong to another

Chris Nelson: From a two dimensional, I can see your point, one of the things that we are trying to do is, from Deming Street you are only going to see the end of that, it's going to be the smallest on the entire street, and that is one of the things that we were trying to achieve. We did need to get a unit count, with the two unit buildings we were really struggling because we knew that we were going to allow ourselves less than....

Commissioner Anest: Well, they just don't look as if they are part of the whole thing.

Chris Nelson: Well, we can take a look at it.

Commissioner Anest: Maybe if they were angled, they just look like they are in a straight line.

Chris Nelson: Well, some of the other things that you may look at, when you look at the landscaping plan and stuff I think it helps, but we will look at it, and we are trying to set them back. You don't see it here, we have some steps in and out.

Commissioner Anest: I know your work, I've done closings with your company and stuff and everything is beautiful, but I'm looking at this and I'm like, trying to put this with some of the other complexes that I have driven through, and they are more.....to me, that's my opinion.

Chris Nelson: We're trying to keep the unit count tighter together and then by concentrating that allows us to....we'll take a look and see what we can do.

Chairman Pruet: Additional comments or concerns from the Commissioners?

Commissioner Pane: Mr. Chairman, could the applicant explain how much backyard there is on the ones facing Deming Road? Once the buffer is in, how much area would they have?

Alan Bongiovanni: They probably have, from the back of the unit to the bottom of the berm, probably around fifteen to twenty feet. It's been our experience, it's been my personal experience living in one that the yards in condominiums and planned units such as this are not used as a backyard in a house. We have plenty of space, I mean, from a dimensional requirement we're probably fifty to sixty feet from the edge of the road, we have a thirty-five foot building line before you get to the deck or patio, so there is probably a buffer and area around the buildings but the actual yard is not a private yard.

Commissioner Pane: No, I just wanted to find out approximately how much and then, the only other concern that I have, the landscaping buffer on Deming Road, we have to pick the trees carefully on that that it's not planted too close to the right of way so that it would, when you get full growth, that we don't have a problem. That's all.

Alan Bongiovanni: And we will look at that.

Commissioner Pane: Thank you.

Chairman Pruet: Anyone else?

Commissioner Aieta: Alan, on the back of the buildings, are those patios or decks?

Alan Bongiovanni: There will be a combination of both. Chris and myself are believers in patios, when you are at grade. We have some units in these areas where we will have walkouts, so that is going to be a deck, it's going to be elevated off the ground. We'll even do patios when it is one or two steps down. They are similar in cost to construct them, but it's friendlier product. It doesn't need replacement in fifteen years, you don't have to put chemicals and treatment and cleaners and it's a better product when you can do patios. You can't always do that because of the grade.

Chairman Pruet: Anybody else? We'll leave this open to work out some of the details on it. Thank you very much. We're into Old Business now and the two petitions, 14-10 and 15-10 are considered discussed simultaneously, but we will read them separately.

VII. OLD BUSINESS

- A. PETITION 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center. Public hearing closed June 23, 2010, sixty-five day decision period ends August 27, 2010.**

Commissioner Hall moved that Petition 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center, be postponed, after discussion, to the Commission's July 28, 2010 meeting.

The motion was seconded by Commissioner Pane.

Chairman Pruet: Domenic, if you would read Petition 15-10, we are going to discuss them together.

- B. PETITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank. Sixty-five day decision period ends August 27, 2010.**

Commissioner Pane moved that Petition 15-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank, be postponed, after discussion to the Commission's July 28, 2010 meeting.

The motion was seconded by Commissioner Anest.

Chairman Pruet: Now we are going to discuss these. This is an important petition to consider. I have some thoughts on the matter and would be happy to be the lead off hitter and throw them out for consideration and I would like everybody's input on this because of the importance of it.

One of our goals in our ten year plan emphasized the high priority of the appearance of the Town Center. The existing lot is not very desirable if you know the location. There's water problems, there's drainage problems, and I think, with a new building, we have control on how it could be designed versus if they, a house was in there, etc., etc. We also have in our plan the pledge that each petition would be looked at individually and how it will affect the surrounding areas. You need to ask yourselves, would a new building along with the renovated building next door at 1268 Main Street would be a positive or negative for the Town of Newington. Also, we need to review our commitment to add to the grand list and increase revenues. Would a commercial building accomplish this or would a residential building with possible cost built in, would that be your consideration? The fact that that lot has been on the market for a while, that's got to be considered into what you are thinking. Also, the property is unique, that has been demonstrated, it's been obvious to me, it abuts two commercial sides. This would be able to negate the fact that if the change in zoning

does, does not automatically equate that any future zoning changes would be accepted or approved. Again, they would be based on their own merits. Finally, if a bank was approved and a change in building was presented, the TPZ has the sole purview to be involved again, and to review and approve future projects. Okay, those were my comments to open discussion, I'll be happy to listen to other Commissioners.

Commissioner Anest: First of all Ed, we are not to take into consideration what we saw on the site plan on a zone change, am I correct?

Ed Meehan: Not for reasons to make the zone change, this is a policy decision, the site plan is required by your zoning regulations when you go from a residential zone to a commercial zone to give the Commission an insight as to how the property could be developed. You can't condition the zone change on this site plan. Change the zone, then what is permitted in the zone a property owner has the right to come back in. This property owner has put forth what they would do with this piece if they were given a zone change. There is no guarantee, you can't condition.

Commissioner Anest: Exactly, so they could come back with something totally different.

Ed Meehan: Within, yes, whatever is permitted in the town center zone, they could come back and start the process over with this Commission.

Commissioner Camerota: Then you are saying that you can't consider what was proposed as a possibility.

Ed Meehan: Oh yeah, you could consider it, but you can't.....

Commissioner Camerota: I thought that was really Carol's question, that you can't consider it. It's not as if you can't have thoughts about what is proposed there to determine whether or not to make the zone change.

Ed Meehan: Yes, but you shouldn't, to answer the question, you can't say you are going to grant change in zone if you only build that site plan. That is not appropriate.

Commissioner Camerota: Okay.

Commissioner Anest: Because they could come back and not do, to the adjacent property, you have to remember that.

Chairman Pruet: I'm just concerned with what has been presented so far.

Commissioner Hall: Well, I'll dissent, you have to have two sides of the story and I think I made myself clear last time that if you let this go, if we change the zone, we do open the door for the future, that somebody on the other side, who now abuts the commercial piece, you have a dentist office there, if that person decides that they want to sell the property and they have somebody who wants to create it into something that would be just for a commercial use, it's going to be difficult to say no. You can't do it there, although we have strung it along on the other side of the street. We're going to stop it here on this side. So, you do open the door to possible future changes as well. Think on the other side of the center as well. Remember, the center has four sides, so where ever it goes, along those sides that are currently commercial that are abutted by residential, they may come back at some point and say, well, you did it over there, I want you to do it for me. It's a dangerous precedent.

Chairman Pruet: Again, I'll comment on that. You have to consider each petition, and this is a unique petition and also if a petition comes in and they want to, for example move from the dentist down there, then we have to allow that, as a Commission.

Commissioner Hall: Oh, I know. I understand.

Chairman Pruet: So it's not automatic.

Commissioner Hall: I'm not saying that it is automatic, I'm saying that it is a precedent.

Chairman Pruet: I'm just adding more information to the petition here.

Commissioner Schatz: Does this go against our 2020 Plan, because it looks to me like it is, we're being, that if we approve it we are sort of two faced.

Ed Meehan: It's up to you to decide if it is against your plan.

Commissioner Schatz: Well, I understand that, but it's we weren't going to expand the center of town, should have a small look to it, village, whatever you want to call it. If I was, and you don't consider this, but if I was a neighbor next door and somebody wanted to give me a chunk of property, I'd say yes. You would be a fool not to, and then I might be the next one that wants to put something up. I don't really like expanding the center of town, it's against my grain. It's not that I don't like what is being proposed, but we can't consider that. It may be a busy ATM, which you can't consider. So I'm really not for expanding the center of town.

Commissioner Lenares: Well, I was concerned obviously when the thought came to us before to expand the town center, that zone, and we heard strongly, and I don't think anyone can battle that, that the neighbors came out and spoke against it, which was their right to do and we have to respect their concerns. The only thing that led me to believe that this project could be a success was that the petitioner, and I give them credit, I guess one of the gentleman, I forget who, spoke and said that they met with the neighbors at the Lucy Welles Library and they listened to these people address the concerns with the project, and I guess there was some changing done on the plan, and I think the ATM was one of them, because now it is by itself, towards the rear of the property, that they addressed their concerns that they had. I think someone said, Carol or Bob, that they gave them a piece of property, well, that piece of property that they gave them I think is pretty unique because it does increase the buffer towards the west side of that piece of property, which was beneficial for the neighbor and I don't think the neighbor could do much with that piece except again the advantage of having the buffer. But since the concerns of the residents, and then they came out and supported it, I thought that was a big turning point in the petition, that it got support from the residents, that it is not still a negative thing. The one resident who came and spoke against the second time, he just said he was against it, and I respect his concern, but he didn't say that he didn't like this, or that, he didn't give too many specifics and that's not for me to say, I just listen to what he said and I think that holds a lot that the residents that are abutting the property, across the street, are now satisfied, so to me, that holds a little bit of weight.

Commissioner Casasanta: Quite honestly, I'm not solid for or against at this point to be perfectly honest with you. I wasn't at the last meeting, I talked with Dave about this, a few days ago, and I agree with Dave's point in the sense that, although I wasn't here at the last meeting when they presented it, I remember the first time they came out, and the great opposition from the neighbors, and now after talking to Dave, reading the minutes, realize that a lot of the neighbors, especially the abutting neighbor are now quite comfortable with

the plan, and it does hold a lot of weight. I agree with you Dave, completely. That's like the one thing, that part of me is saying, yeah, this is a distinct possibility. The part that is kind of concerning me too is that you know, the neighbors had agreed to this through a lot of dialogue with the developer as to what could happen, or may happen, my concern is now that if, this particular piece, if it were to change hands, now, if the Liberty Bank were to go forward and for whatever reason you know, a few years down the road, it stopped being a bank, or whatever it was, would they feel, how would the neighbors feel toward what could potentially go in there again, because now it is zoned as town center, we can't go back and say, oh no, now you have to put a house on that property. You have to make it some type of a commercial development, and they may not particularly care for what that commercial development may be. So, I mean, I'm trying to balance both issues, and at this point, I'm not one hundred percent certain either way, so I need to think about it a little bit more.

Commissioner Camerota: Just one comment for Mike. I don't know if you realized it when you read the minutes, but Liberty Bank is no longer the proposed tenant. They don't have anyone, even though they are proposing a bank. So it is a very real possibility that it may not be (inaudible). I'm like Mike, I'm in the middle, but I'm leaning more toward not wanting to change the zone and more for Cathy's reasons, that I'm concerned about it being a precedent setting issue, and that same property, thinking about where they have a photography studio now, that that's the next logical place to go, and I said before, when the petition came in the first time, that I really thought that was kind of natural beginning, if you are going toward Cedar Street, of the center, but I do also feel that it's possible that place will never be developed unless the neighbor wants to buy it and add a house, and there are a lot of issues with this property. So we may be missing out on an opportunity have a valuable site developed, whether it becomes a bank, whether it's (inaudible). Now we have seen a plan, we are going to be in charge of saying what goes there, so we have an idea in our mind what we are going to want, so I'm still in the middle, but probably more toward not wanting to change it.

Commissioner Aieta: I think the people who are, the Commissioners who are here that are looking at it and the people who are voting on it have to ask themselves if this is a unique piece of property and it warrants a change of zone and then on the other hand, they have to look at it and say, well, you know, are you going to have the fortitude when the next guy comes in to say, well, this is not unique and this is not, we're not going to change the zone. You going to be able to differentiate between the two parcels, this one and something else? If you feel this is a unique piece of property and has special conditions that warrant a change then you know, you have to be able to look at it from that perspective, and then, on the other hand, are you going to be able to say no to somebody else and have good reasons to be able to say no to somebody else, if you don't want expansion of the town center. And the answer what Bob said, you don't have to be a rocket scientist, you read the Plan of Development, it says not to expand the town center. But then on the other hand, we've looked at other pieces of property and there are other things going on, and we are probably going to go against the letter of the town Plan. We are going to take every instance on it's merits and every piece as it comes in. It's a tough decision to make. What they presented, if it was, as it was presented as a bank, it's not a bad proposal, on that particular site, but then, we are not guaranteed that it is going to be a bank either. This is a tough decision on this piece of property. You have to weigh all the different points.

Commissioner Pane: I think the applicant did an excellent job on the site plan and the building and it's just unfortunate that it is a change of zone. I have concerns on whether or not we are going to open up a can of worms, not necessarily right across the street, but on the other end of town, at the corner of Cedar and Main, that area there, or down, or what about between CVS and down toward Welles Drive, I mean, that could all be town center. I

mean, we almost, have to look at all the boundaries of the town center as, we almost need to look at the whole boundaries, and determine, what do we want the town center to be?

Commissioner Hall: Eventually.

Commissioner Pane: Eventually. Then instead of just talking about each individual one, we should have almost, as a Commission looked at every boundary and determined, no, we definitely want this residential, okay, this could be expanded, or this could be expanded, I don't think we looked at everything just to make sure we don't have problems down the road, but the site itself, they did a wonderful job on the site, but that is my concern.

Commissioner Anest: I just have a question. The town center, how were those boundaries decided?

Ed Meehan: The present town center boundaries probably go back to the 1975 Community Development Action Plan, that was reinforced in '84 with the Plan of Conservation and Development. A lot of it had to do with the characteristics of the land uses then. The fact that Center School, that was pretty much the dividing line there.

Commissioner Aieta: It just evolved, over the years.

Ed Meehan: But there were actually design studies done of the town center when Peter Curry was town manager, I know there was a lot of research from my town center work about how to layout Lowry Place and how to change the location of Market Square and Constance Leigh Drive. There was a lot of thought given to the compact size of the center, and to add what Domenic said, I think the Commission did take a hard look at what you wanted for the decision, because you made a conscious decision that you didn't want to extend the center across East Cedar Street between Ellsworth and Center Court. That was a suggestion in the plan, it's been before Economic Development Commission, it's been around for years, and this Commission said no. I think you have strong strategy from the Plan to grow the center eastward into the former Children's Hospital land. That has always been a desire of this town is to, you could have more intensive development, and it would be center oriented development easterly into that area. There are limitations to that, there's obviously drainage limitations, some functional engineering limitations over there, but that is one of the growth areas. This is a unique site, I mean, as I mentioned in my staff report in the comments, you have a slice of land at the edge of a gateway site coming into the center that you know, could have opportunities for you, you could really do a nice defining edge if you have the right site plan, and as Commissioner Aieta says, you have to have the fortitude when things come before you in the future to say, well, we made a decision relative to 1268 Main Street was unique, it was vacant, it was at the edge, if you have an existing property it may not be in the business town center zone, you don't get the same cut. You are not unique. Unfortunately, this is a tough job that you have. But I think you do have direction as to what the boundaries are. The Plan says that they should be compact, they should be sensitive to adjacent neighbors, with good buffering and (inaudible) the center substantially. I'm talking about major master plan growth. You grow it easterly in the Children's Hospital property. This piece again, sort of is unique. My concern, my suggestion to keep in mind, a single family home, you are not going to get a look at, and this could be a tough site to put a single family home on. First, all the trees would be cut, or most of them, you may not have a buffer because the guy wants to maximize his lot, he's moving in next to a parking lot, and maybe some of the drainage issues won't be solved, they may be aggravated, but again, that is after you make your policy decision.

Commissioner Pane: Well, the drainage issue on a single family home, that would go to staff level and so that, you know.....

Ed Meehan: You aren't going to have any impervious surface, but by taking all of those trees out of there, something is going to happen. The drainage is bad now, I mean, there is standing water.....

Commissioner Pane: If they take all the trees out, they are going to have to bring the grade up.

Ed Meehan: It's not a simple single family home.

Commissioner Aieta: I have a question for the Chairman. Why did we hear the zone change with the site plan, if they don't have a bank tenant, I'm missing something here. Why did we even look at the site plan that showed a bank tenant, when he doesn't have a bank tenant per se, today.

Ed Meehan: The regulations require the applicant to present a site plan with his request for zone change when you go from residential to commercial.

Commissioner Aieta: Yeah, but then you are saying on the other hand, if the bank doesn't go in there, it could go to whatever is allowed in the center business district.

Ed Meehan: And the applicant would have to come back.

Commissioner Aieta: He would have to come back and petition again?

Ed Meehan: Yeah, he would have to start over with a new site plan.

Commissioner Aieta: A new site plan.

Ed Meehan: Let's say we're not going to build a bank. We're going to eliminate the remote ATM, we don't have a tenant, and we want to do a medical building. They would have to have a new circulation parking layout, and would bring it back to this Commission and you may say, the building looks fine, leave the building alone, and modify the back of the site to accommodate parking and accessibility and so forth. Say it's a doctor's office or professional office, it's only 2800 square feet, so you aren't going to get a lot, but any time, they have five years to execute the site plan, and if they do make a change, they have to come back. And they have to meet the town center design guide lines in this case too, because they are asking for some consideration of parking reduction, so you have the architectural review lines of the village district.

Commissioner Aieta: You are saying that we would have control over, if he flipped the property, sold it to Gagnon and wants to put a Dunkin Donuts on it, we would have some control over that.

Ed Meehan: You get two bites of that. You get the special exception for a restaurant use and the site plan.

Commissioner Aieta: My point is if it meets all of the criteria of the center district, how do you deny? That's the rub here, unfortunately we missed the boat with the first thing when we had Liberty Bank on the hook.

Ed Meehan: It doesn't mean that because they come up with Liberty Bank, they are going to end up with Liberty Bank. You can't put a condition on like that. The property owner has to have latitude to market his site.

Chairman Pruet: He may have pointed to, there are certain type of provisions too that they have to meet under special exceptions to, I mean.....

Ed Meehan: As Frank mentioned, if they want to put a Dunkin Donuts, that's a special exception, and whatever they put in there has to meet the town center design guidelines and it's a brand new building.

Commissioner Aieta: I just wanted the Commissioner to understand that they have some control over the site, if its not a bank. I didn't want them to think that they could just go in there tomorrow and start putting whatever the hell they want.

Chairman Pruet: Futher comments?

Commissioner Lenares: I understand the concerns of the Commissioners that, and I think that the petitioner, and I'm not speaking for them, but if they can get a bank in, that's a great tenant to have and I guess they would try to fight for something like that, but worse case scenario, if no bank, Liberty Bank backs out and no bank wants to move into this piece and they end up with a, like a small medical building, with parking in the back, is that the worst thing that could happen to this piece? I mean, you have to ask yourself that. It's a vacant piece, it's been on the market for a lot of time now, no house is going to go in there because it abuts two commercial sides of the property, I don't know if the end result is the worst thing that we could end up with, if it's not a bank. If it ends up being a small office, insurance agency, a retail outlet, I mean a real estate outlet of some sort, I think it would be better than what is there now. It would clean it up and I'm not to decide for them who to have as a tenant, but I don't think the end result that we are talking about would be so bad, and the fact that it stands on it's own merits of being, and we used this word several times tonight, of being unique, compared to other parcels, maybe on the other side of Cedar Street, or whatever, that you would have the fortitude to defend it and say, because of these situations that we would map out, we granted or allowed them to extend the town center. I don't think it would be that difficult of a decision. I think that is your job as a Commissioner.

Commissioner Hall: I think what we need to do is think long term. That right now we have whta we think is a tenant, we think we have a situation, but truly, is it the best thing for us down the road. We have to think long term, not short term. The other thing that we really have to keep in mind, is we are advocates for the Town of Newington, we are not advocates for developers. So although it may be a good thing for a developer to go in there, is it really the best thing for the town, and that is what we as a board have to decide. Long term and to whose benefit are we making this decision.

Chairman Pruet: Yeah, I emphasized that with my remarks also.

Commissioner Casasanta: Kind of a silly question, really, I realize how difficult it may be to sell that piece, as a residential lot, obviously you could go through some type of zone change again, but would it be within the possibility, say like the existing home owner that abuts it on the south side, could he buy that property and kind of like expand his yard or maybe even add onto the home or what have you. That's always within the realm of possibility.

Ed Meehan: Sure.

Commissioner Aieta: One other thing, we have taken a vote to leave this open until the next meeting. Maybe before then we should have, maybe at the next meeting we should have a layout of the town center and look at the properties that surround the center and make some determinations as to, are we going to expand in these different areas, and which pieces, and I don't want to start re-zoning pieces, but we should have an understanding of whether we are going to allow expansion down Main Street, or north on Main Street, or Cedar Street, maybe we could look at what is there and come up with, I don't know, maybe we should have done this with the Plan of Development, I don't know.

Ed Meehan: I think you have done that. I can get you an aerial photo to refresh you memory, but I would caution you not to start going parcel by parcel and saying we are never going to do this, and sort of pre-judge something, but on the macro side, I can help you with an aerial photo and talk about the area is laid out.

Commissioner Aieta: Not the specific pieces, but maybe just an area.

Ed Meehan: North side, west side, south side.....

Commissioner Aieta: Because what is going to happen, if this gets approved, we are going to have other people coming in to try to do something, so you have to be able to substantiate the vote on this or be able to say to somebody else that you really don't want to expand or another area, you don't want to expand that, we did this over here because this, this, this and this. You better have something in the record that substantiates a yes vote or a no vote.

Chairman Pruet: Also Ed, you can clarify this too, in a motion, can some language be inserted in there about specifics of more encroachment, or some kind of language that you can think of that would stop in their tracks.....

Ed Meehan: A motion relative to the zone request?

Chairman Pruet: Yes.

Ed Meehan: Well no, not really. Everything, it doesn't become a precedent for the next guy that comes in because it should be individual, you should weigh based on its compatibility with the adjacent piece, with utilities, with traffic and every thing else, so I don't think you are setting a precedent.

Commissioner Pane: It's not open ended, but it brings some concern, but you have to take every individual piece on its own merits.

Ed Meehan: I think an overview, as Commissioner Aieta is saying would be good, and will give you some more historical background, how we ended up with the configuration, the road configuration that we have because a lot of work went into it, back in the '70's.

Commissioner Anest: I concur, I'm just very concerned and those who were on TPZ in '07 when we had that other piece of property that we're going to start encroaching, north and south and we're going to look like a West Hartford center when you drive down South Main Street and you have a residential house and then have a commercial building and a law firm, I'm just really concerned because once we, if we change one piece, then that corner piece, where that gentleman lives, he goes to put it on the market and somebody is going want to come in and say, gee, I could put a medical office in there, because next door is commercial. So, we have to make a determination, where is this bleeding going to terminate?

Chairman Pruet: Again, if we allow that.

Commissioner Anest: If we allow it, but as Cathy said, I know you are supposed to, every piece is supposed to be evaluated on it's own merit, but you are also setting a precedent and you have Newington Meat down there, so why can't north, you can take those five houses.

Chairman Pruet: I disagree with you. I don't think it is a precedent, I think it's an individual look at what we have to do, but that is my opinion.

Commissioner Pane: Speaking of the town Plan of Development that we brought up, weren't we supposed to get copies of that with, determining the pictures and stuff? It would be nice to have the updated copies for the next meeting.

Ed Meehan: You'll have it hopefully within the next fifteen minutes.

Chairman Pruet: Any other discussion on this? We'll leave it on for the next meeting.

Commissioner Pane: Mr. Chairman, the Town Planner will bring the aerial in?

Ed Meehan: I'll have the aerial photos for you.

The vote was unanimously in favor of the motion on Petition 14-10 with seven voting YES.

The vote was unanimously in favor of the motion on Petition 15-10 with seven voting YES.

C. PETITION 25-10 – 2525 Berlin Turnpike, Doogie's Restaurant, Meriden Humane Society 540 Oregon Road, Meriden CT 06451-3727 applicant, represented by Rock Aronheim P.O. Box 778, Pine Bush, NY 12566 request for Special Exception Section 3.2.8 Charitable Event B-BT Berlin Business Turnpike District. Public Hearing closed June 23, 2010, sixty-five day decision period ends August 27, 2010.

Commissioner Camerota moved that Petition 25-10 2525 Berlin Turnpike, Special Exception for charitable event Meriden Humane Society be denied, the Commission finding:

1. The operation of a two (2) day flea market at this location raises serious traffic safety concerns that have not been adequately addressed.
2. The property owner/event promoter, Doogie's Restaurant reported to the Town Planner that he will not hire Newington Police Department for special duty traffic control.
3. The property's small size is not sufficient to accommodate on-site parking and outside sales within the parking lot.
4. The operation of a flea market is not compatible with the adjacent commercial business and safeguards to protect the area have not been demonstrated.

The motion was seconded by Commissioner Pane.

Commissioner Aieta: You might want to add to that, that the applicant verbally withdrew his application with the Town Planner.

Ed Meehan: No, he did not. He would not withdraw it.

Commissioner Aieta: He would not withdraw it.

Ed Meehan: No, that's why, if he, I asked him if we would withdraw it, he said no.

Commissioner Aieta: I was under the impression that he did withdraw it.

Chairman Pruet: He verbally withdrew it, and wouldn't put it in writing.

Ed Meehan: No, he said it would withdraw it, I'm sorry if I confused you. I said, Mr. Rock, I'll call him, are you going to withdraw and he said no, I said, just give me a note and I can take it off the agenda and he said no, let the Commission do whatever they are going to do. I'm paraphrasing, but that's.....

Commissioner Pane: I just wanted to say for the record that the reason that I voted last meeting to extend this was that I felt that any applicant that came in for a public hearing should have at least one opportunity to come back the next meeting to present themselves. But it's very apparent that this applicant wasn't going to do anything for this Commission. I feel very confident in voting this down, and I must also say I do not condone the behavior of him chastising a member of this Commission. I would hope that we don't tolerate that kind of behavior from any other applicant in the future. Thank you.

Commissioner Hall: I too was willing to give him the benefit of the doubt because again I thought, you know, it was going to be for a charity, and whatever, since that time it has proven that we try our best, and now our vote will show.

The vote was unanimously in favor of the application to deny, with seven voting YES.

8-24 Referral Report – 690 Cedar Street
Sale of 5,479 square feet of former National Welding property

Commissioner Anest moved that the Commission report to the Town Council its approval of the sale of 5,479 square feet of the former National Welding property, 690 Cedar Street, to the State of Connecticut.

The purpose of this conveyance is to enable the Department of Transportation to replace the adjacent Cedar Street – Route 175 bridge with a new structure. The existing bridge, constructed in 1980 is in poor condition as determined by the Department of Transportation. The acquisition of the Town property is needed to accommodate the replacement bridge's northwest wingwall.

The National Welding property is 3.9 acres (169,884 sq. ft.), the net area remaining after the transfer will be 3.8 acres. The small size of this area and its location abutting the Cedar Street right of way will not adversely affect the long range redevelopment of the National Welding property, however the Commission recommends that the Town be careful to retain access rights along the south side of the National Welding building to facilitate building demolition and environmental remediation.

The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with seven voting YES.

8-24 Referral

MDC Sanitary Utility Easements

New Meadow Phase II Senior Housing

50 Mill Street Extension

Commissioner Schatz moved that the Commission report to the Town Council its favorable support for abandonment of the existing 20 foot sanitary sewer easement that runs through the 2.2 acre future New Meadow Phase II senior housing development site and the Town's grant of a new 20 foot 99 year easement in favor of the Metropolitan District for construction of the relocated sanitary sewer.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

8-24 Referral

MDC Water Main Utility Easement

New Meadow Phase II Senior Housing

50 Mill Street Extension

Commissioner Casasanta moved that the Commission report to the Town Council its favorable support for the Town's grant of a 20 foot water main easement in favor of the Metropolitan district to connect the existing water main in Mill Street to the future New Meadow Phase II senior housing development.

The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ July 28, 2010 and August 11, 2010.)

- A. PETITION 26-10 – 158 Brookside Road Dawn and Daniel Butler 158 Brookside Road, Newington, CT 06111 applicant Daniel Butler owner request for Special Exception, Section 6.13 Accessory Apartment, R-12 Zone District. Schedule for July 28, 2010.
- B. PETITION 28-10 – 72 Pane Road Winners Chapel International, 50 High Street New Britain, CT 06051 applicant, John Melonopoulos c/o Rockland Trust, P.O. Box 427 Rockland, MD 02370 owner, request for Special Exception Section 3.2.1 Place of Worship, PD Zone District. Schedule for August 11, 2010.
- C. PETITION 29-10 – Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, Mr. Carlos Cruz, Interim Manager Maintenance/Solid Easte, request for Special Exception Section 3.2.2 Public Utility Installation for emergency generator systems at: Carr Avenue, Eagle Drive, Eighth Street, Old Farms Drive, Vexation Hill and Windmill Lane pump stations. Schedule for public hearing August 11, 2010.

Ed Meehan: You are carrying over the auto related zone change amendment, Petition 13-10, Petition 19-10 was carried over and that is the special exception for Morningside Development on Deming Street. Stop and Shop sign was carried over for notice, that shouldn't take too long, and then the other ones that have been scheduled, Brookside, an accessory apartment, that would be four hearings, plus the continuation of the site plan for Morningside. That's your work load, in fact they are all repeats except for the accessory apartment.

Chairman Pruet: Thoughts on this schedule?

Commissioner Hall: It should be too bad.

Chairman Pruet: Good, okay.

Commissioner Aieta: I have a question on, Ed, can you give us a little background on Petition B, 28-10, Place of Worship on Pane Road? I'm just curious, I think I know which piece it is, it's the shopping center.

Ed Meehan: Yes, this piece is the building next to Mike Gronski's auto service area.

Commissioner Aieta: Where the pizza place is, right?

Ed Meehan: Ah, I think there are four or six little 2,000 square foot units in here and the one that is vacant that the applicant is interested in was a former dance studio that moved up to Global Granite.

Commissioner Aieta: Is he looking at that one unit, or is he looking at that unit plus the one where the consignment shop was.

Ed Meehan: I think it's just the one unit.

Commissioner Aieta: How many square feet is that?

Ed Meehan: Not quite 2000. I have had conversations with real estate.....

Commissioner Aieta: I'm just curious what kind of a church goes in, I've seen them in Hartford where they have store front churches in different places and I'm just curious as to what it is.

Ed Meehan: Well, at that public hearing I'll give you all that information, because other than taking the application in and scheduling it, and then asking for a floor plan, so I can have some of these answers for you.....

Commissioner Aieta: So you didn't get too much information.

Ed Meehan: No.

Commissioner Aieta: Okay, sorry I asked.

Ed Meehan: Drive by, take a look at it.

Commissioner Aieta: That is one of the reasons that I brought it up, I think the Commission should drive by and see where it is.

Commissioner Hall: We should know it because we get petitions it seems from that place every six months, the K of C, pizza, K of C wanted to go in there.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Aieta: I have three things I want to talk to Ed about. Number one, on Progress Circle there's, recently they just started parking cars on the roadway in the Industrial Park and I don't think that's allowed, is it?

Ed Meehan: There is supposed to be no on street parking. There is a business down there that had all their little service trucks.....

Commissioner Aieta: No, these are cars, people's, right at the beginning. I think it is someone that is in the front building, the condos, but I've noticed it over the past couple of weeks, there's seven, eight, nine cars there. Have you see it, Domenic?

Commissioner Pane: Yes. I have, and excuse me, but that is not the only area. Over on the Rockwell there's several over there that are just taking over the street parking.

Commissioner Aieta: Yeah, across the street from the Buckley building.

Ed Meehan: That's Progress.

Commissioner Aieta: Yeah, that's the one that I am talking about.

Ed Meehan: They did have little service trucks parked there but....

Commissioner Aieta: No, these are individual cars like maybe people who work there, they park their cars.....

Commissioner Pane: We need to look beside Progress, Rockwell, and the street off of Rockwell.

Ed Meehan: Holly Court?

Commissioner Pane: Holly Court, yes.

Ed Meehan: Okay, I'll take a look at that, I wasn't aware of it.

Commissioner Aieta: The next item is that there is some activity at Rotundo's building on New Britain Avenue. Today there was a dumpster parked right in front, they papered off the windows, but the curious thing about it is they left the sign for Gino's Pizza in front of the paper, you know, where they put the paper so you can't see inside, they strategically located the Gino Pizza sign, so I don't know whether they are going ahead and think that, I don't know what they are doing.

Ed Meehan: They are going to go ahead without any tables, which means that it doesn't have to come before this Commission.

Commissioner Aieta: Oh, is that right?

Ed Meehan: Yes.

Commissioner Aieta: Is that part of the.....

Commissioner Pane: I thought a food establishment would have to come in front of us.

Ed Meehan: Not for take out. Take out only. You have to take the food out. They, Mr. Rotundo, I'll give you some background. Mr. Rotundo came in and was going to resubmit his application and I said, you can resubmit the application but you have to demonstrate to the Commission that it is materially different than what you submitted before, and I think that he talked to his prospective tenant and they got some legal advice, they decided that they weren't going to do a table, or tables, and so I said that you have to give us signed documentation, so they came in and signed the floor plan that said no tables, and both Mr. Rotundo and his prospective tenant signed it, and we told him that upon issuance of a zoning permit if he gets the permit, the zoning permit will say no tables inside for public food consumption.

Commissioner Aieta: I misunderstood the regulations. I thought a food establishment had to come before.....

Ed Meehan: No, the way that it is defined in Section 9 is for consumption on the premises. So, if you have, like 7-11's have food, gas station down on Kelsey Street has food, other places service food.....

Commissioner Pane: Okay, Kelsey Street, so they are not supposed to have seating in there?

Ed Meehan: Volero, there's not supposed to have seating.

Commissioner Pane: We have a serious problem with our regulations.

Ed Meehan: Here's the definition, on page 104, Restaurants, A commercial structure where food is prepared and/or served for consumption within the building. So, if you don't consume within the building....

Commissioner Aieta: Then what is it, it's not a restaurant.

Ed Meehan: It's a retail use.

Commissioner Aieta: It's a retail, manufacturing, what is it?

Ed Meehan: It's a retail.....

Commissioner Pane: So that means anything with a, no we couldn't do a drive through window because we don't have drive through windows....

Chairman Pruet: So it's not considered a restaurant?

Commissioner Pane: A walk up window, or a walk in.

Ed Meehan: It's not a restaurant under your definition because you don't have seating inside for customers.

Commissioner Aieta: So what do you consider a take out place? What is that, like an animal in itself? It's not a restaurant, it's not a cat, it's not a dog, what the hell is it?

Ed Meehan: It's a restaurant under the Health code, because they have to meet health code requirements, but in zoning, it's not treated as a place of consumption on site. The big difference for restaurants is the parking difference, and so you have a higher parking ratio

because people tend to sit down and take their food there. An example might be the little café that came in on Brockett Street. At first they weren't going to have eating inside, because of the parking issue and then they decided that they were going to do it, they had to come back in for a special exception. I'm try to think, I know that at the 7-11's in town you can get food, a Chinese place up on the corner of Hartford, used to be a Dominos Pizza.

Commissioner Anest: It's not there any more. The only thing that is there now is the Donut Shop. There is paper where the Chinese place used to be.

Ed Meehan: You can go into the Meat Market and get food, but that is not a restaurant.

Commissioner Aieta: Okay, one other one, on Deming Road, the project Chully's project, the one on the corner, the one north of the one that was in here tonight, they dug up the roadway like a month and a half ago, it's been a while, they dug up the roadway, and I don't know why, and they are not progressing, it's a mess over there. I've gotten five or six complaints from people who live in Barn Hill and up in Candlewyck, you know, when's it going to, when are they going to fix the road.

Commissioner Camerota: I thought they put some pipes in.....

Ed Meehan: Yeah, they had to put in water and sewer lines.

Commissioner Aieta: Yeah, but why did they dig up the road?

Commissioner Pane: They milled the entire road, they should have done their trenching with the pavement in place, cut the trenching out, did the piping, put temporary asphalt down, and what they did.....

Ed Meehan: I've been up there, I didn't notice it.

Commissioner Pane: How could the town engineer allow what happened there is beyond me, that they tracked silt and stone all the way down to the Berlin Turnpike, all over the place, they also now have, because they did it this method, they contaminated all of the base that's there. They will have to dig up all the base because it's contaminated with silt, and I got complaints too. You can't have this road exposed to stone for a month. It's just not properly done that way. You are supposed to do your trenching, put temporary pavement down, wait for it to settle and then when you have all your piping done, then you mill the road, and then you repave it so that it's not exposed to all of the residents for a month. It's all bumpy because the process has all been compacted in.

Ed Meehan: Across both travel ways?

Commissioners: Yes.

Commissioner Pane: The whole width. I'm surprised no one called you guys, because they called me.

Ed Meehan: They will call highway or the town engineer, they don't call me.

Commissioner Pane: But I don't understand why our town engineer would let them do it that way, that's never done that way.

Commissioner Camerota: They have those signs, and it was totally closed for a while.

Commissioner Pane: Yeah, it's closed during the day when they are digging, they re-route them just during the day, that's fine, but at the end of the day they put temporary pavement down and then let the traffic through, you wouldn't have stone kicking up everywhere and the base wouldn't have gotten contaminated. Now, the Town Engineer is going to have to make sure that they dig all of that base up throughout the whole roadway and put new base down.

Ed Meehan: I'll find out.

Chairman Pruet: Further remarks from Commissioners?

Commissioner Anest: 655 Main Street, there are two home improvement signs in the front yard. They have been there forever, and it's the homeowners business. There are two different signs, and they have probably been there for at least three or four months.

Chairman Pruet: Is one of them on a truck or something, on a van or a trailer? Right across from Newington Meat Center?

Commissioner Anest: No, it's on the same side as Newington Meat, it's a ranch, 655. He has two different home improvement signs, one is a handyman and a home improvement, same phone number and the guy lives there.

Commissioner Schatz: Where the pizza guy is going in, the stand up deal, wasn't there some complaint about the drainage there.

Ed Meehan: That is an issue between the two property owners on the.....

Commissioner Schatz: It doesn't matter now?

Ed Meehan: No, it's a civil matter.

Commissioner Pane: Grading at the church property, okay, they didn't grade that property right, and you are aware of it Ed, okay, the town engineer wasn't over there showing them what to do, Art was, and they didn't grade it correctly and now what is happening is that all of the sheet flow, all the water is coming across Pane Road, I'm sorry, Church Street, and what is going to happen is, this winter it is going to ice up. That has to be corrected as soon as possible, and concerning that property, I'd like, at the next meeting, us to look at their bond, get a status report, and determine whether or not, how much longer they are going to need to get the work done because we have regulations concerning bonds, and how long we are to hold them, so we should look at that and get a status report and they need to get this grading correctly done before the winter.

Ed Meehan: What happened last night with the heavy rain? Did it.....

Commissioner Pane: Every rain it sheet flows over, it does not drain over, the water from the whole front of the property comes across Church Street, it doesn't make it around. They did it, where they put the millings there, they improperly put too much dirt there. They didn't put the swale in to get the water to go to the holding area.

Ed Meehan: We're doing the job for them. You have to have somebody standing there and tell the guy how to grade.

Commissioner Pane: We did, we told him how to do it, you and I told him, we said, make sure the swale is in,....and then nobody listens.

Commissioner Aieta: He's no longer the guy who is on site any more.

Commissioner Pane: Deming Road got taken care of, Pane Road, last meeting, two weeks ago, we asked those holes be filled in, they have not been filled in, and there is a old wooden rail sticking out of the ground, all broken and sharp objects and if somebody falls on it, they are going to get hurt. Also, where the fire hydrant is, if you look down, there is a big drop there, I think we need to make sure that is safer for the firemen.

All right, moving on forward, in March, this Commission talked about the street vending and Cathy brought up putting it on the agenda, I'd like to entertain us to put that on the agenda because it's getting out of hand over on Maselli Road. The truck traffic coming out of Sam's has increased, I've had a couple of complaints from my tenants, people are standing in the road, now they have seating out in the road too. So, we as a Commission need to look at this, and I would like to get it on the agenda if we could.

Ed Meehan: That may be something that may need to be referred up to the Town Council, after you guys talk about it.

Commissioner Pane: Yeah, after we talk about it, we would refer it up to where it has to go. Young's Farm, a new sign was put in there. Could you, I don't know if the town put it in, or a subcontractor put it in, but it's not plumb. So they should look at it again, and do the job right.

Commissioner Aieta: It's cockeyed. It's off so bad.....

Commissioner Pane: You notice it when you drive by, I mean, if it was off a little, but if you are going to do something, let's do it right. And there is also a mail box there, that has no mail box, but is just the stand, it's an old rusted milk carton with a pipe sticking out of it, which looks like it is going to be a hazard and its unsightly. I don't know why they are saving it there.

North Mountain Road, we approved a building over there, for an applicant who came in for a building so that he would comply because he had a mess in his yard, they didn't build the building and its still the same problem that existed before. So, if he isn't going to build the building, he has to do some sort of buffering and he has to come back to the Commission and take care of the eye sore that is over there.

Holmes Road, there is a side street there which is a public road, and they didn't cut any of the grass along the road, or the island, and I've noticed like multiple other areas that aren't getting cut, that are two feet high. Very inappropriate, Park and Rec and the Building Department have to get together, work together, and get these things cut and maintained because it is, doesn't show a good image to the Town of Newington.

Ed Meehan: Is that Hollow Tree?

Commissioner Pane: Yes it is, Hollow Tree. I have one last one....

Commissioner Aieta: Go ahead Domenic, you have to put it on the record, so we can bring it up the next time, because things can fall through the cracks and never get done. Bring it up.

Commissioner Pane: The Zoning Regulations, I thought when we talked about our Zoning Regulations we were going to have Art tell us in his report whether or not it was generated by him, drive by or whether or not somebody actually called and complained. Not that I want to know who complained, but I want to know, I want to decipher whether it was a complaint, or he noticed this in his driving.

Ed Meehan: The source of the information?

Commissioner Pane: Yes.

Then, the sign at Carson's is still up. I don't know if you have a report on that, also Spin Cycle, the same signs are still there, and they are getting out of hand, and I would suggest that if Art has a hard time with a couple of these that he brings it to the Commission so we can help him to determine how to take care of the problem, so if he has a hard time with Spin Cycle, have him come to the Commission, tell us what he's having a problem with and then this Commission can help him decipher what to do with it, same with some of the other ones, Carson's sign, and then, down at the end of the Berlin Turnpike where the Chinese food place is, there is massive signage there.

Ed Meehan: North? That is Wethersfield.

Commissioner Pane: I thought that was borderline. Okay, well if it is Wethersfield, then he should try to notify Wethersfield to look at it.

Ed Meehan: Okay.

Chairman Pruet: Any other Commissioner remarks?

XI. STAFF REPORT

Ed Meehan: There are two bonds that are waiting to get acted on. I brought them up the last time, but didn't have motions for you. Both sites, the work has been completed, one was the repaving, the finished course paving at Big Sky Fitness and the second one, Mr. Cody's plaza was for the balance of the landscape plantings. We released some money last fall, he put some lawn in and some landscape plantings and irrigation system.

Commissioner Pane: Mr. Chairman, I looked at both of those sites, I didn't see any problems, I'd be happy to entertain a motion if you would like.

Chairman Pruet: Yes, would you?

Bond Request Releases

A. Big Sky Fitness Center, 58 Commerce Court

Big Sky Fitness Center 58 Commerce Court Bond Release Request

Commissioner Pane moved that the remaining site development bond balance of \$26,000 held for parking lot finish pavement course and line painting be released, all work having been completed.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

B. Cody Plaza, 2551 Berlin Turnpike

Cody Plaza
2551 Berlin Turnpike
Bond Release Request

Commissioner Pane moved that the bond balance of \$2500 held for landscape plantings at 2551 Berlin Turnpike be released, all work having been completed.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

Ed Meehan: The Plan was revised without photos and but we were required to get the Plan recorded in the Town Clerk's office and posted on the web page, so we got all the edits, Mrs. Cohen's edits and the Commissioners had two or three and the index page and so forth, so I'm asking your indulgence to look at this. We're working on photos, are you interested in this type of photo for the cover?

Commission: Yes.

Ed Meehan: I don't know the source of the photo that was taken off the internet by Planametrics , but here is a photo that, I'll pass them around.

Commissioner Hall: We don't want to emphasize ducks.

Commissioner Anest: No, we have problems with them.

Ed Meehan: The town green, Kellogg-Eddy Farm, cows at the Eddy Farm, I'll pass these around, we have as many of you want. Anyway, if you want a color motif, we can, once you decide what you want, we'll doctor it up and then I'll do a photo layout for you, and get your opinion on that. The new plan is up on the internet, it's been filed with the Town Clerk, the library and with OPM.

XII. ADJOURNMENT

Commissioner Casasanta moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary